

ACTS OF 2024 LEGISLATURE

Acts 136-210

ACT No. 136

HOUSE BILL NO. 628
BY REPRESENTATIVE DOMANGUE
AN ACT

To amend and reenact R.S. 18:1483(8), 1491.6(F), 1495.4(F), and 1505.2(H)(3) (a), relative to the Campaign Finance Disclosure Act; to provide for certain elections and the application of the Act thereto; to change the definition of election; to provide for reports for certain elections and the duties of the supervisory committee relative thereto; to provide for contribution limits and reporting periods relative to candidates in such elections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1483(8), 1491.6(F), 1495.4(F), and 1505.2(H)(3)(a) are hereby amended and reenacted to read as follows:

§1483. Definitions

As used in this Chapter, the following terms shall have the meanings given to each in this Section unless the context clearly indicates otherwise:

(8) "Election" means any primary, general, or special, or other election held, pursuant to the laws of this state or a parish or municipal charter or ordinance or a court order, to choose a public officer or nominee. ~~For purposes of this Chapter, a primary election and a general election for a particular office shall constitute one election.~~ For purposes of the reporting requirements for the support or opposition of a proposition or question submitted to the voters, "election" shall also mean any primary, general, or special election, except local option elections held pursuant to the provisions of Chapter 3 of Title 26 of the Louisiana Revised Statutes of 1950, at which a proposition or question is submitted to the voters in accordance with Chapters 6-A, 6-B, and 6-C of this Code.

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§1491.6. Reports required; reporting times and periods

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F.(1) The reports required for any regularly scheduled election shall also be filed for any special election to the extent the dates for filing reports occur after the ~~each~~ proclamation setting the dates for the election.

(2) ~~The reports required for any regularly scheduled election shall also be filed for any court-ordered election.~~

(3) ~~For elections held pursuant to R.S. 18:512, the supervisory committee may require the filing of any reports, in addition to those filed pursuant to Subsections B, C, and D of this Section, it deems necessary. Any such requirement shall be by rule.~~

(4) ~~The supervisory committee may promulgate rules to effect the provisions of this Subsection. Such The rules may waive any report required to be filed within ten days after the each proclamation setting the dates for a special election or judgment ordering a new election and any report the supervisory committee deems redundant or burdensome because of the timing of the election.~~

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§1495.4. Reports required; reporting times and periods; extension

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F.(1) The reports required for any regularly scheduled election shall also be filed for any special election to the extent the dates for filing reports occur after the ~~each~~ proclamation setting the dates for the election.

(2) ~~The reports required for any regularly scheduled election shall also be filed for any court-ordered election.~~(3) ~~For elections held pursuant to R.S. 18:512, the supervisory committee may require the filing of any reports, in addition to those filed pursuant to Subsections B, C, and D of this Section, it deems necessary. Any such requirement shall be by rule.~~

(4) ~~The supervisory committee may promulgate rules to effect the provisions of this Subsection. Such The rules may waive any report required to be filed within ten days after the each proclamation setting the dates for a special election or judgment ordering a new election and any report the supervisory committee deems redundant or burdensome because of the timing of the election.~~

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§1505.2. Contributions; expenditures; certain prohibitions and limitations

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(3)(a)(i) For purposes of this Subsection, a primary election and a general election shall constitute two separate elections, ~~and, if held, an election held~~

pursuant to R.S. 18:512 shall constitute a separate election.

(ii) ~~For purposes of this Subsection, if a judgment orders a new primary election and general election, those elections shall constitute two separate elections, but if a judgment orders only a new general election, that election shall constitute a separate election.~~

(iii) For purposes of this Subsection, for candidates and committees that participate in a general election, the reporting period for the general election shall be deemed to begin the day following the primary election.

(iv) ~~For purposes of this Subsection, if a judgment orders only a new general election, for candidates and committees that participate in the court-ordered general election, the reporting period shall be deemed to begin the day following the rendering of the judgment.~~

(v) ~~For purposes of this Subsection, for candidates and committees that participate in an election held pursuant to R.S. 18:512, the reporting period for that election shall be deemed to begin the day following the general election.~~

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Approved by the Governor, May 22, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 137

HOUSE BILL NO. 675
BY REPRESENTATIVE WYBLE
AN ACT

To amend and reenact R.S. 18:1511.5, 1511.7, 1511.8(C), and 1511.11(A), relative to actions for the enforcement of violations of the Campaign Finance Disclosure Act; to provide for the filing of administrative proceedings before the Ethics Adjudicatory Board; to provide for removal to district court; to provide for venue; to provide for the determination of secrecy of certain accounts and records; to provide for the precedence of actions in district court; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1511.5, 1511.7, 1511.8(C), and 1511.11(A) are hereby amended and reenacted to read as follows:

§1511.5. Procedure for enforcement; civil

A.(1) When the results of the investigation by the supervisory committee indicate that a violation of this Chapter has occurred which is subject to civil penalties, the supervisory committee is authorized to file ~~civil~~ administrative proceedings to collect the civil penalties provided in R.S. ~~18:1505.4(B)~~ 18:1505.4 or 1505.5.

(2) The provisions of this Section shall not apply to any action for the payment of civil penalties due pursuant to R.S. 18:1505.4 for knowingly failing to file or knowingly failing to timely file, which shall be governed by R.S. 18:1511.4.1.

(3) ~~These proceedings shall be filed with an adjudicatory panel of the Ethics Adjudicatory Board which shall conduct an adjudicatory hearing in accordance with the Code of Governmental Ethics.~~

(4) ~~Except as provided in R.S. 18:1511.7, the respondent may remove these proceedings shall be filed in to the district court of the parish in which the candidate, chairman or treasurer of the political committee, or other person required to file reports, respondent is domiciled. The proceedings shall be by rule to show cause and shall be conducted pursuant to the relevant provisions of the Louisiana Code of Civil Procedure.~~

B. In determining the amount of the civil penalty to be assessed, the Ethics Adjudicatory Board or district court shall take into consideration the reason for the failure to file timely, the reason for failing to disclose required information, the reason for inaccurately disclosing required information, the nature of the office sought by the candidate, the nature of the office or offices supported or opposed by a political committee or other person, the significance of the information undisclosed or inaccurately disclosed to the voting public, and whether or not the candidate, chairman or treasurer of the political committee, or other person actually has filed a report or disclosed such information prior to the election or prior to the institution of the administrative proceeding or rule to show cause.

C. A judgment of a district court assessing such civil penalties may be appealed suspensively to the appropriate court of appeal according to the provisions of the Louisiana Code of Civil Procedure.

D. A judgment of a district court assessing civil penalties shall become executory when all delays for appeal have expired according to the Louisiana Code of Civil Procedure, and may be enforced as any other money judgment. However, the proceeds of such civil penalties shall be paid directly to the treasurer of the state of Louisiana.

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§1511.7. Venue

A. ~~Actions or proceedings for violation of R.S. 18:1505.1 shall be brought in may only be removed to the parish of East Baton Rouge.~~

B. Except as provided in Subsection A, actions ~~removed pursuant to R.S. 18:1511.5~~ or prosecutions for any violation of this Chapter shall be brought in the parish of the domicile of the offender and prosecutions shall be instituted by the district attorney of that parish.

§1511.8. Secrecy of proceedings

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C. Prior to the use of any such accounts or records in any civil proceeding, the supervisory committee shall file a motion with the Ethics Adjudicatory Board or in a court of proper jurisdiction requesting a determination by such the Ethics Adjudicatory Board or the court of the relevancy or materiality of such accounts or records to an action for violation of this Chapter. The Ethics Adjudicatory Board or court shall render such determination at an in camera proceeding which shall be confidential and not open to the public. If the Ethics Adjudicatory Board or court determines that the aforementioned accounts or records are relevant and material to an action in accordance with this Chapter, then such accounts or records shall cease to be confidential in nature and may be introduced as evidence in a proceeding without further restriction.

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§1511.11. Precedence of actions; limitation of actions

A. Any action brought in or removed to district court under the provisions of this Chapter shall be advanced on the docket of the district court in which filed, and shall take precedence over and be considered in advance of all other actions other than actions brought under this Chapter.

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Approved by the Governor, May 22, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 138

HOUSE BILL NO. 732

BY REPRESENTATIVES JACKSON, BOYD, BRASS, BRYANT, CARPENTER, ROBBY CARTER, WILFORD CARTER, CHASSION, COX, FISHER, GREEN, HUGHES, TRAVIS JOHNSON, JORDAN, KNOX, LAFLEUR, LARVADAIN, MARCELLE, MCFARLAND, MOORE, NEWELL, SELDERS, TAYLOR, THOMPSON, WALTERS, AND YOUNG AND SENATORS BARROW, BOUDREAUX, BOUIE, CARTER, CATHEY, CLOUD, DUPLESSIS, EDMONDS, FIELDS, HARRIS, HENRY, JACKSON-ANDREWS, MCMATH, AND PRICE

AN ACT

To enact R.S. 47:463.230, relative to motor vehicle license plates; to establish the "Grambling State University World Famed Tiger Marching Band" specialty license plate; to provide for the creation, issuance, design, implementation, fees, distribution, and rule promulgation applicable to such license plates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.230 is hereby enacted to read as follows:

§463.230. Special prestige license plate; "Grambling State University World Famed Tiger Marching Band"

A. The secretary of the Department of Public Safety and Corrections, office of motor vehicles shall establish a special prestige motor vehicle license plate to be known as the "Grambling State University World Famed Tiger Marching Band" plate, provided that there is a minimum of one thousand applicants for such plate. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.

B. The secretary shall work in conjunction with the Grambling State University president and the head band director, to select the color and design of the plate, provided it is in compliance with R.S. 47:463(A)(3). The design shall include the words "Grambling State University World Famed Tiger Marching Band".

C. The special prestige license plate shall be issued, upon application, to any citizen of Louisiana in the same manner as any other motor vehicle license plate.

D. The department shall collect an annual royalty fee of twenty-five dollars that shall be disbursed in accordance with Subsection E of this Section. The royalty fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.

E. The annual royalty fee shall be collected by the department and forwarded to Grambling State University. The monies received from the royalty fees shall be used solely to assist the marching band program at Grambling State University.

F. The secretary shall promulgate and adopt rules and regulations as are necessary to implement the provisions of this Section.

Section 2. The Department of Public Safety and Corrections, office of motor vehicles, is hereby directed to create the special prestige license plate when the applicable statutory provisions are met and its systems is updated to accommodate the creation of the new plates.

Approved by the Governor, May 22, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 139

HOUSE BILL NO. 798

BY REPRESENTATIVE DOMANGUE

AN ACT

To redesignate the "Robinson Canal Bridge" in Chauvin, Louisiana, as the "Lapeyrouse Bridge"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The bridge on Louisiana Highway 56 over the Robinson Canal in Chauvin, Louisiana, shall be known and is hereby redesignated as the "Lapeyrouse Bridge".

Section 2. The Department of Transportation and Development or its contractors are hereby directed to erect and maintain appropriate signage reflecting this redesignation provided local or private monies are received by the department equal to the department's actual cost for material, fabrication, mounting posts, and installation of each sign, not exceed the sum of five hundred fifty dollars per sign.

Approved by the Governor, May 22, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 140

HOUSE BILL NO. 814

BY REPRESENTATIVES YOUNG, BAYHAM, BILLINGS, BOYD, BRASS, BRYANT, CARPENTER, WILFORD CARTER, CHASSION, DICKERSON, DOMANGUE, EMERSON, GREEN, HORTON, HUGHES, JACKSON, JORDAN, KNOX, LAFLEUR, LARVADAIN, LYONS, MARCELLE, MCMAHEN, MENA, MOORE, NEWELL, SELDERS, TAYLOR, TURNER, VENTRELLA, WILLARD, AND WYBLE AND SENATORS BARROW, CARTER, CATHEY, DUPLESSIS, EDMONDS, HARRIS, HENRY, JACKSON-ANDREWS, LAMBERT, PRESSLY, PRICE, AND TALBOT

AN ACT

To amend and reenact R.S. 37:358 and 369(A)(1), relative to barber colleges; to provide for student admission; to provide for student age requirements; to provide for qualifications and reciprocity of out-of-state registered barbers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:358 and 369(A)(1) are hereby amended and reenacted to read as follows:

§358. Student ages

Barber colleges shall not admit as students persons under the age of ~~17~~ sixteen years unless the student is enrolled in a board-approved barber college that operates within a state high school in which case the student may enroll in the barber college as a high school freshman.

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§369. Out-of-state registered barbers; qualifications for examination; reciprocity

A. Any person possessed of the following qualifications other than a barber who is covered by reciprocity as provided for in Subsection B of this Section upon payment of the fee provided in R.S. 37:375 and upon his application shall be examined by the board to determine his qualifications to receive a certificate of registration to practice barbering in Louisiana this state:

(1) Be at least ~~eighteen~~ seventeen years old.

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Approved by the Governor, May 22, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 141

HOUSE BILL NO. 943

BY REPRESENTATIVE WILEY

AN ACT

To amend and reenact R.S. 47:463.73(G), relative to special prestige license plates; to provide for the "St. Edmund Catholic School" special prestige license plate; to provide for creation and application of existing issuance, design, fees, distributions, and rule promulgation applicable to license plates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.73(G) is hereby amended and reenacted to read as follows:

§463.73. Special prestige license plate plates; Louisiana parochial, public, and private high schools

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G. The secretary shall establish special prestige license plates for Archbishop Hannan High School, Jesuit High School, Mount Carmel Academy, the Academy of the Sacred Heart, Saint Katharine Drexel Preparatory School, Acadiana High School, Glen Oaks High School, Neville High School, Carroll High School, Brusly High School, Port Allen High School, Covington High School, Scotlandville Magnet High School, St. Michael the Archangel High School, St. Mary's Dominican High School, St. Edmund Catholic School, St. Paul's School, St. Scholastica Academy, St. Mary's Academy, and any other parochial, public, or private Louisiana high school in accordance with the provisions of this Section as it was enacted.

Section 2. Notwithstanding any other provision of law to the contrary, the

secretary shall work in conjunction with the St. Edmund Catholic School or its designee to select the color and design of the plate, provided it is in compliance with R.S. 47:463(A)(3). The design for the St. Edmund Catholic School specialty plate shall include the words "St. Edmund Catholic School Bluejays".

Approved by the Governor, May 22, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 142

SENATE BILL NO. 6
BY SENATOR CONNICK
AN ACT

To enact R.S. 14:73.14, relative to computer related crime; to create the crime of unlawful dissemination or sale of images of another created by artificial intelligence; to provide definitions; to provide penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:73.14 is hereby enacted to read as follows:

§73.14. Unlawful dissemination or sale of images of another created by artificial intelligence

A. It shall be unlawful for any person, with the intent to coerce, harass, intimidate, or maliciously disseminate or sell any video or still image created by artificial intelligence that depicts another person who is totally nude or in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast, when the person disseminating the video or still image knows or has reason to know that he is not licensed or authorized to disseminate or sell such video or still image.

B. The provisions of this Section shall not apply to an interactive computer service, electronic mail service provider, or a provider of a telecommunications service or any information service as defined in 47 U.S.C. 153, system, or access software provider that provides or enables computer access by multiple users to a computer server that was used by a person to commit any act prohibited by Subsection A of this Section.

C. For purposes of this Section:

(1) "Another person" includes a person whose image was used in creating, adapting, or modifying a video or still image with the intent to depict an actual person and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic.

(2) "Artificial intelligence" means an artificial system developed in computer software, physical hardware, or other context that solves tasks requiring human-like perception, cognition, planning, learning, communication, or physical action.

(3) "Electronic mail service provider" means any person or entity, including an internet service provider, that is an intermediary in sending or receiving electronic mail or that provides to end users of the electronic mail service the ability to send or receive electronic mail.

(4) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

D. Whoever violates the provisions of this Section shall be imprisoned for not more than six months, fined not more than seven hundred fifty dollars, or both.

E. In addition to any venue provided by the Code of Criminal Procedure, a violation of this Section may be prosecuted in the parish where the unlawful act occurred or where any video or still image was created, produced, reproduced, found, stored, received, or possessed in violation of this Section.

F. The provisions of this Section shall not preclude a civil action or criminal prosecution under any other applicable provision of law.

Approved by the Governor, May 22, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 143

SENATE BILL NO. 17

BY SENATORS MIZELL, ABRAHAM, ALLAIN, BARROW, BASS,
BOUDREAUX, CLOUD, COUSSAN, EDMONDS, FOIL, HENRY, HODGES,
JACKSON-ANDREWS, KLEINPETER, MCMATH, OWEN, STINE AND
WOMACK AND REPRESENTATIVES BACALA, BILLINGS, CHASSION,
DICKERSON, FISHER, MCFARLAND AND WYBLE
AN ACT

To enact R.S. 40:964(Schedule D)(G), relative to the Uniform Controlled Dangerous Substances Law; to add Tianeptine to Schedule I of the Uniform Controlled Dangerous Substances Law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:964(Schedule D)(G) is hereby enacted to read as follows:

§964. Composition of schedules

Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S. 40:962, consist of the following drugs or other substances, by whatever official

THE ADVOCATE
PAGE 3

* As it appears in the enrolled bill

name, common or usual name, chemical name, or brand name designated:

SCHEDULE I

* * *

G. Miscellaneous. Unless specifically excepted or contained within a pharmaceutical product approved by the United States Food and Drug Administration, or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substance, including its salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation:

(1) Tianeptine

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Approved by the Governor, May 22, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 144

SENATE BILL NO. 73
BY SENATOR WOMACK
AN ACT

To amend and reenact R.S. 40:5.9(C)(1) and (2) and R.S. 40:5.9.1(F) and to enact R.S. 30:2075.4, R.S. 39:1351(B)(1)(c), and R.S. 40:5.9.1(E)(1)(d) and (3), relative to community sewerage and water systems; to create and provide for the Community Sewerage System Infrastructure Sustainability Act; to provide for public purpose; to provide for definitions; to provide for compliance status verification and fiscal status verification requirements for certain community sewerage systems; to provide for the duties of the Department of Environmental Quality, the Louisiana Department of Health, the state health officer, and the legislative auditor; to provide for prohibited uses of sewerage system funds; to provide for penalties; to provide for civil actions; to provide for rulemaking; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2075.4 is hereby enacted to read as follows:

§2075.4. Community sewerage system infrastructure accountability

A. This Section shall be known and may be cited as "The Community Sewerage System Infrastructure Sustainability Act" which has been enacted by the legislature to provide:

(1) For the development and implementation of a community sewerage system accountability process which supports sewerage system infrastructure sustainability for the residents of Louisiana.

(2) Assurance to the residents that the quality of sewage treatment is monitored and maintained at levels essential for health, safety, welfare, and long-term sustainability.

(3) Accountability of local government authorities and other entities operating community sewerage systems.

(4) Consequences for community sewerage systems that do not achieve state and federal standards.

(5) Transparent regulatory compliance and fiscal accountability information presented to the State Bond Commission, the division of administration for the capital outlay program, and rate setting authorities for consideration in approving additional debt, capital outlay, or a rate increase.

B.(1) "Community sewerage system" means any treatment works, whether publicly or privately owned, which serves multiple connections and consists of a collection or pumping and transport system and a treatment facility. For the purposes of this Section, "community sewerage system" includes any local governing authority which operates a community sewerage system.

(2) "Community water system" has the same meaning as provided for in R.S. 40:5.8.

C.(1)(a) Applications to the State Bond Commission. Except as provided in Subparagraph (b) of this Paragraph, any community sewerage system that seeks approval from the State Bond Commission to incur any additional debt for anything not directly related to the improvement and sustainability of the community sewerage system or a related community water system shall submit with the application to the commission a compliance status verification from the Department of Environmental Quality, a compliance status verification from the Louisiana Department of Health, and a fiscal status verification from the legislative auditor in accordance with Subsection F of this Section.

(b) The provisions of this Subsection shall not apply to any application to the State Bond Commission seeking approval for financing involving:

(i) Cash flow loans.

(ii) Dedicated tax or bond revenue streams.

(iii) Emergency financing as determined by the State Bond Commission.

(iv) Refinancing of existing debt.

(2) After consideration of the information provided pursuant to Paragraph (1) of this Subsection, the State Bond Commission may prohibit the community sewerage system from incurring any additional debt for anything not directly related to the improvement and sustainability of the community sewerage system or a related community water system.

(3) Notwithstanding any provision of law to the contrary, the community sewerage system shall not be precluded from obtaining funding for the improvement and sustainability of the community sewerage system or a related community water system based upon the information provided pursuant to

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

Paragraph (1) of this Subsection or R.S. 40:5.9.1.

D.(1) Applications to the capital outlay program. Any community sewerage system that receives notification of a capital outlay appropriation from the division of administration, office of facility planning and control shall submit to the division of administration a compliance status verification from the Department of Environmental Quality, a compliance status verification from the Louisiana Department of Health, and a fiscal status verification from the legislative auditor in accordance with Subsection F of this Section.

(2) After consideration of the information provided pursuant to Paragraph (1) of this Subsection, the division of administration may prohibit the community sewerage system from participating in the capital outlay program for anything not directly related to the improvement and sustainability of the community sewerage system or a related community water system.

(3) The provisions of this Subsection notwithstanding, the community sewerage system shall not be precluded from obtaining funding for the improvement and sustainability of the community sewerage system or a related community water system based upon the information provided pursuant to Paragraph (1) of this Subsection.

E.(1) Applications to a rate setting authority. Any community sewerage system that seeks approval for a rate adjustment from the appropriate rate setting authority not directly related to the improvement and sustainability of the community sewerage system or a related community water system shall submit with the application to the rate setting authority a compliance status verification from the Department of Environmental Quality, a compliance status verification from the Louisiana Department of Health, and a fiscal status verification from the legislative auditor in accordance with Subsection F of this Section.

(2) After consideration of the information provided pursuant to Paragraph (1) of this Subsection, the rate setting authority may prohibit the community sewerage system from adjusting rates for anything not directly related to the improvement and sustainability of the community sewerage system or a related community water system.

(3) The provisions of this Subsection notwithstanding, the community sewerage system shall not be precluded from receiving approval for a rate adjustment for the improvement and sustainability of the community sewerage system or a related community water system based upon the information provided pursuant to Paragraph (1) of this Subsection.

F.(1)(a) Not later than twenty calendar days after receiving a request from a community sewerage system, the Department of Environmental Quality shall review the department's records and provide a compliance status verification based upon criteria determined by the department, including but not limited to the following:

(i) Federal water quality significant violation history.

(ii) State enforcement action history.

(b) The compliance status verification provided by the Department of Environmental Quality shall clearly state whether the community sewerage system is "NOT IN COMPLIANCE - Found on a federal significant noncompliance list or is under state enforcement action" or "IN COMPLIANCE - Not found on a federal significant noncompliance list or is under state enforcement action" as appropriate.

(2)(a) Not later than twenty calendar days after receiving a request from a community sewerage system, the Louisiana Department of Health shall review the department's records and provide a compliance status verification based upon criteria determined by the department, including but not limited to the following:

(i) State violation history.

(ii) Operation and maintenance performance history.

(iii) Infrastructure violations.

(b) The compliance status verification provided by the Louisiana Department of Health shall clearly state the community sewerage system's compliance status using the phrase "IN COMPLIANCE" or "NOT IN COMPLIANCE" as appropriate.

(3) Not later than twenty calendar days after receiving a request from a community sewerage system, the legislative auditor shall review its records and provide a fiscal status verification regarding the community sewerage system's financial sustainability based upon criteria determined by the auditor. The fiscal status verification shall clearly state in plain language the community sewerage system's level of financial sustainability.

(4)(a) A compliance status verification provided by the Department of Environmental Quality or the Louisiana Department of Health pursuant to this Section shall be either of the following:

(i) On an official certification form supplied by the department.

(ii) On the department's official letterhead and signed by a member of the department's staff who is qualified to verify the compliance status of the community sewerage system.

(b) A fiscal status verification provided pursuant to this Section shall be on the legislative auditor's official letterhead and signed by a member of the auditor's staff who is qualified to verify the fiscal status of the community sewerage system.

G.(1) Notwithstanding any provision of law to the contrary, a local governing authority that operates a community sewerage system shall not expend any money raised through payments made by customers for sewerage services or from any other sewerage system revenue for any item, debt payment, or public purpose other than the improvement and sustainability of the community sewerage system. For purposes of this Subsection "sustainability" means the ability to be maintained at the required rate or level necessary to comply with

applicable state and federal regulations. Sustainability may include but not be limited to the purchase and maintenance of equipment and employment of personnel whose primary functions are related to ensuring compliance with state and federal laws, rules, and regulations governing the effective operation of a sewer system.

(2) The provisions of this Subsection shall not be construed to prohibit the payment of bonded indebtedness secured by the sewerage system's revenue prior to August 1, 2024.

H.(1) Any community sewerage system that is not in compliance with the Department of Environmental Quality or the Louisiana Department of Health, is not financially sustainable based on the standards of the legislative auditor, or is in violation of the expenditure prohibitions of Subsection G of this Section shall, in addition to the provisions of Subsection C of this Section, be subject to either or both of the following, as appropriate:

(a) An oversight and accountability hearing before the Legislative Audit Advisory Council.

(b) A hearing before the Fiscal Review Committee for potential initiation of an action for a court-appointed fiscal administrator filed in accordance with R.S. 39:1351 et seq.

(2) Any community sewerage system that is not in compliance with the Department of Environmental Quality or the Louisiana Department of Health, is not financially sustainable based on the standards of the legislative auditor, or is in violation of the expenditure prohibitions of Subsection G of this Section may, in addition to the provisions of Subsection C of this Section, be subject to either or both of the following, as appropriate:

(a) A civil action for court-appointed receivership filed in accordance with R.S. 30:2075.3 or R.S. 33:42.

(b) A criminal action for malfeasance in office pursuant to R.S. 14:134.

(3) If the condition or operations of any community sewerage system that is not in compliance with the Department of Environmental Quality or the Louisiana Department of Health, is not financially sustainable based on the standards of the legislative auditor, or is in violation of the expenditure prohibitions of Subsection G of this Section, necessitates the expenditure of state funds to address or mitigate an emergency related to that community sewerage system, the circumstances shall be grounds for a civil action for court appointed receivership in accordance with R.S. 30:2075.3 or R.S. 33:42, or to the appointment of a fiscal administrator in accordance with R.S. 39:1351 et seq.

Section 2. R.S. 39:1351(B)(1)(c) is hereby enacted to read as follows:

§1351. Appointment of a fiscal administrator

* * *

B.(1) The trial court, in the absence of a joint motion and consent judgment, shall appoint a fiscal administrator in the following instances:

* * *

(c) If the condition or operations of any community water system or community sewerage system necessitates the expenditure of state funds to address or mitigate an emergency related to that community system as provided for in R.S. 30:2075.4 or R.S. 40:5.9.1.

* * *

Section 3. R.S. 40:5.9(C)(1) and (2) and 5.9.1(F) are hereby amended and reenacted and R.S. 40:5.9.1(E)(1)(d) and (3) are hereby enacted to read as follows:

§5.9. Enforcement of drinking water regulations; administrative compliance orders; civil actions; receiverships

* * *

C.(1) In any civil action brought under this Chapter relative to public water systems, the court may, on its own motion or upon application of the state health officer, appoint a receiver of a public water system to collect the system's assets and carry on the system's business of the defendant public water system and to otherwise assist the court in adjudicating the issues in the case before the court. Application by the state health officer shall not be subject to any bond requirement.

(2) The In addition to any other criteria for receivership set forth in this Part, the court may place the public water system in receivership upon finding one of the following:

(a) The system has been abandoned by the operator, or service to the system's customers has ceased, and no provisions have been made for the continued operation of the system by a qualified operator, or for providing the water system's users with potable water in sufficient quantities to serve the users of the systems.

(b) The operator of the system has failed or refused to comply with administrative orders issued pursuant to Subsection A of this Section.

(c) Such other circumstances indicating that receivership is necessary to ensure uninterrupted safe water service to, or the protection of the health of, the system's users.

(e)(d) Such circumstances as may be identified in rules promulgated by the state health officer acting through the Louisiana Department of Health, office of public health, under which a receivership may be needed.

* * *

§5.9.1. Community water system accountability process; creation of letter grade schedule; penalties for failing systems

* * *

E.(1) Any community water system that receives a letter grade of "D" or "F" shall be considered operationally unacceptable and may be subject to the following:

* * *

(d) If the condition or operations of any community water system that receives a letter grade of “D” or “F” necessitates the expenditure of state funds to address or mitigate an emergency related to that community water system, such circumstances shall be grounds for a civil action for court appointed receivership in accordance with R.S. 40:5.9 or to the appointment of a fiscal administrator in accordance with R.S. 39:1351 et seq.

(3) A community water system that receives a letter grade of “D” or “F” shall constitute prima facie evidence that a community water system is financially at risk and not able to maintain financial stability, and shall serve as grounds for the Fiscal Review Committee to determine that a political subdivision is reasonably certain to not maintain financial stability.

F. Notwithstanding any provision of law to the contrary, no local governing authority that operates a community water system that receives a grade of “D” or “F” shall expend any money raised through payments made by customers for access to water or from any other water system revenue for any item, debt payment, or public purpose other than the improvement and sustainability of the community water system. A violation of this Subsection shall be grounds for a court to appoint a receiver or fiscal administrator **a civil action for court appointed receivership in accordance with R.S. 40:5.9, the appointment of a fiscal administrator in accordance with R.S. 39:1351 et seq, or for a court to order the mandatory safe water purchase from another system determined to be available by the department. The provisions of this Subsection shall not be construed to prohibit the payment of bonded indebtedness secured by the water system’s revenue prior to August 1, 2021.**

Section 4. The Department of Environmental Quality and the Louisiana Department of Health shall individually promulgate, in accordance with the Administrative Procedure Act, any rules necessary to implement the provisions of this Act relevant to that department.

Section 5. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 22, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 145

SENATE BILL NO. 92
BY SENATOR DUPLESSIS
AN ACT

To amend and reenact Children’s Code Art. 1150(4), relative to the Safe Haven Law; to provide for definitions; to provide relative to infant; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children’s Code Art. 1150(4) is hereby amended and reenacted to read as follows:

Art. 1150. Definitions
As used in this Chapter:

* * *

(4) “Infant” means a child not previously subjected to abuse or neglect, who is not more than sixty days old as determined within a reasonable degree of medical certainty by an examining physician. **However, if the infant was admitted to a neonatal intensive care unit upon birth and has not been discharged from the hospital, then the sixty days shall commence from the date of initial discharge.**

* * *

Approved by the Governor, May 22, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 146

SENATE BILL NO. 161
BY SENATOR BOUDREAUX
AN ACT

To enact R.S. 15:587.7(A)(3)(c), relative to a volunteer and employee criminal history system; to provide for the definition of individuals; to provide for contractors of qualified entities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587.7(A)(3)(c) is hereby enacted to read as follows:
§587.7. Volunteer and employee criminal history system

A. The Louisiana Bureau of Criminal Identification and Information shall implement a volunteer and employee criminal history system to allow qualified entities to access state and federal criminal history records on certain individuals in the absence of specific statutory provisions regarding access to criminal history record information. For purposes of this Section, the following definitions shall apply:

* * *

(3) “Individual” means a person who has, seeks to have, or may have access to children, the elderly, or individuals with disabilities, served by a qualified entity who meets either of the following requirements:

* * *

(c) Is a contractor with, or seeks to be a contractor with, a qualified entity.

* * *

Approved by the Governor, May 22, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 147

SENATE BILL NO. 163
BY SENATOR EDMONDS
AN ACT

To amend and reenact R.S. 49:219.5(E), relative to the Advisory Council on Heroin and Opioid Prevention and Education; to provide relative to reporting requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:219.5(E) is hereby amended and reenacted to read as follows:

§219.5. Advisory Council on Heroin and Opioid Prevention and Education

* * *

E. The Interagency Heroin and Opioid Coordination Plan shall be submitted annually to the board, governor, president of the Senate, speaker of the House, and chief justice of the Louisiana Supreme Court ~~at the end of each~~ **by March fifteenth, to reflect the data from the previous** calendar year.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 22, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 148

SENATE BILL NO. 166
BY SENATORS CONNICK, ALLAIN AND FESI
AN ACT

To amend and reenact R.S. 39:2101 and R.S. 40:5.5.2 and 5.5.4, to enact R.S. 3:4706, and to repeal R.S. 40:4(A)(1)(b) and R.S. 56:578.14, relative to seafood safety; to provide for powers and duties of the commissioner of agriculture; to prohibit misleading packaging and marketing of seafood products; to provide for state procurement of seafood products; to provide for food establishment requirements; to provide for retailer requirements; to provide for powers and duties of the Louisiana Department of Health; to provide definitions; to provide for penalties; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:4706 is hereby enacted to read as follows:

§4706. Seafood; misleading packaging and marketing

A. The legislature finds that consumers must be protected from misleading and false labeling of seafood products. Louisiana’s seafood culture is world renowned and is a vital part of our culture and heritage. It is not only potentially misleading but dangerous to public health to solely rely on names and phrases associated with Louisiana when purchasing or consuming seafood. Phrases such as “Boudreaux”, “Gulf”, and “Louisiana caught” are often on products that are from foreign countries that are not adhering to the same quality standards as Louisiana. Consumers need to be well informed on what seafood they are purchasing and consuming.

B.(1) No person shall engage in marketing, labeling, packaging, or advertising of crawfish, shrimp, or any product thereof, that implies or suggests any association with Louisiana’s culture and heritage if the association is likely to deceive the public as to its origin.

(2) No person shall market crawfish, shrimp, or any product thereof using any Louisiana-related imagery, phrases, colors, or styles if the products are not genuinely linked to Louisiana’s cultural heritage and produced within the state or landed within the state.

(3) The prohibition in this Subsection shall not apply if the country of origin appears on the front of the package in thirty point Arial Black font.

C. The commissioner shall be responsible for ensuring compliance with this Section. When the commissioner has reason to believe that a violation has occurred, the commissioner may do any of the following:

(1) Issue a stop order prohibiting the continued distribution and sale of the seafood product.

(a) Any violation of a stop order shall constitute a separate violation.

(b) A stop order may be released by the commissioner upon a determination by

the commissioner that the cause for issuing the stop order has been remedied.

(c) Any person aggrieved by a stop order may petition the commissioner for a hearing to contest the validity of the stop order by making a written request within five calendar days after issuance of the stop order. The hearing shall be held within ten calendar days of receipt of the written request for a hearing. The commissioner may appoint a hearing officer to preside over the matter. The commissioner shall issue a ruling in the matter. The hearing and any subsequent appeal shall be held in accordance with the provisions of the Administrative Procedure Act.

(d) Based upon the results of the hearing, or a consent agreement, the commissioner may take one or more of the following actions:

(i) Release the stop order.

(ii) Require the cause for the stop order to be remedied prior to releasing the stop order.

(iii) Amend the stop order.

(2) Issue fines for violations of this Section as follows:

(a) For a first offense, a fine of not more than fifteen thousand dollars for each violation.

(b) For a second offense, a fine of not more than twenty-five thousand dollars for each violation.

(c) For a third and subsequent offense, a fine of not more than fifty thousand dollars for each violation.

D. If the commissioner issues a stop order for any crawfish, shrimp, or any product thereof, a retailer shall have a claim for reimbursement against the distributor that supplied the product in violation of this Section.

E. Penalties shall apply only to a person that places a label on crawfish, shrimp, or any product thereof, and may be assessed only by a ruling of the commissioner based upon an adjudicatory hearing held by the Louisiana Commission of Weights and Measures pursuant to R.S. 3:4605.

F. The commissioner shall promulgate rules in accordance with the Administrative Procedure Act as are necessary to enforce the provisions of this Section.

Section 2. R.S. 39:2101 is hereby amended and reenacted to read as follows: §2101. Food service facilities; use of certified meat, poultry, and seafood products

A.(1) All state agencies, state institutions, or local school districts operating food service facilities for students, or for patients or inmates in their custody, shall utilize only those meat, poultry, and seafood products that have met all Louisiana Department of Agriculture and Forestry requirements for grading and certification service.

(2) All state agencies, state institutions, or local school districts operating food service facilities for students, or for patients or inmates in their custody, shall only utilize domestic shrimp or domestic crawfish as defined in R.S. 40:5.5.2.

B.(1) No contract shall be entered into by any state agency, state institution, or local school district for the operation of any facility that includes a food service facility, unless the contract contains provisions requiring that any meat, poultry, or seafood utilized in such facility has met all Louisiana Department of Agriculture and Forestry requirements for grading and certification service.

(2) No contract shall be entered into by any state agency, state institution, or local school district for the operation of any facility that includes a food service facility, unless the contract contains provisions requiring that any seafood shall only utilize domestic shrimp or domestic crawfish as defined in R.S. 40:5.5.2.

Section 3. R.S. 40:5.5.2 and 5.5.4 are hereby amended and reenacted to read as follows:

§5.5.2. Chinese seafood warning label program Seafood safety

A. The legislature finds that serious risks to public health may be posed by radiation, antibiotics, such as chloramphenicol and fluoroquinolones, chemicals, malachite green, copper salts, and other residues found in Chinese seafood that originates from outside of the United States. The overexposure to antibiotics from such seafood may cause serious antibiotic resistance to the consumer. In addition, chemicals such as malachite green are known carcinogens. It is the intent of the legislature to protect the health and welfare of Louisiana consumers from potentially harmful residues in imported seafood imported from the People's Republic of China that are is sold or served in Louisiana. The legislature further recognizes that the magnitude of the health risks associated with imported seafood requires the full cooperation and collaboration of the Louisiana Department of Health, Louisiana Department of Agriculture and Forestry, Louisiana Department of Wildlife and Fisheries, the Department of Culture, Tourism and Recreation, and the Department of Environmental Quality. Therefore, the legislature finds that Louisiana consumers have the right to know if seafood imported from the People's Republic of China is being served in a food service establishment or is available for purchase.

B.(1) The state health officer shall prepare and promulgate all rules and regulations necessary to ensure that all consumers of imported marine and freshwater seafood products from the People's Republic of China are warned about the potential health risks associated with the consumption of those products.

(2) The state health officer, in consultation with the Seafood Safety Task Force, office of the lieutenant governor, the Louisiana Seafood Promotion and Marketing Board, and the Louisiana Restaurant Association shall employ a marketing campaign that places an emphasis on highlighting the benefits of eating domestic seafood.

C.(3) The state health officer shall produce a statement that may be included on labels, placards, menu boards, or other promotional signage that

encourages consumers to consume Louisiana seafood and warns of the risks that may be associated with the consumption of Chinese imported seafood.

~~D.(4) With the cooperation and assistance of the Louisiana Retailers Association, the Louisiana Restaurant Association, and other necessary organizations, the state health officer in conjunction with the Department of Agriculture and Forestry shall encourage the display of the signage and other promotional literature as provided for in Subsection C of this Section where seafood sales occur.~~

C. As used in this Part, the following terms shall have the following meanings:

(1) "Commingle" means to cause to blend together, mix, or combine domestic and imported seafood.

(2) "Domestic crawfish" means any food product that is derived from red swamp crawfish (*Procambarus clarkii*), white river crawfish (*Procambarus zonangulus*), or pond-raised crawfish and is either:

(a) Raised, harvested, and processed in Louisiana.

(b) Raised, harvested, and processed in the United States and has satisfied the same or substantially equivalent testing and labeling requirements of this state.

(3) "Domestic shrimp" means any food product that is derived from the species *Litopenaeus setiferus*, *Farfantepenaeus aztecus*, *Farfantepenaeus duorarum*, *Sicyonia brevirostris*, *Pandalus borealis*, and *Pleoticus robustus* and is either:

(a) Caught in Louisiana waters, the Gulf of Mexico, or any other adjacent state waters and landed and processed in Louisiana.

(b) Caught, landed, and processed in the United States and has satisfied the same or substantially equivalent testing and labeling requirements of this state.

* * *

§5.5.4. Imported crawfish and shrimp; notice to patrons of food service establishments required

~~A. As reflected in Act No. 330 of the 2009 Regular Session of the Legislature, this state recognizes that serious risks to public health may be posed by antibiotics, radiation, and numerous toxins found in seafood products, including but not limited to crawfish and shrimp, that originate outside of the United States. It remains the intent of the legislature to protect Louisiana consumers from potentially harmful chemicals and residues in seafood products that are imported from foreign countries and sold or served in food service establishments in this state. Therefore, the legislature declares that Louisiana consumers have the right to know if crawfish or shrimp imported from a foreign country is being served in a food service establishment, as the consumption of such seafood may pose a health risk.~~

~~B.(4) Any food service establishment that uses a menu as a standard business practice and sells or provides cooked or prepared crawfish or shrimp that originate outside of the United States shall display the following disclaimer in a clearly visible location on the menu:~~

~~"Some items served at this establishment may contain imported crawfish or shrimp. Ask for more information."~~

~~on all menus the country of origin of such crawfish or shrimp, or denote that the crawfish or shrimp are imported, in letters no smaller than the same size, font, and shade as the product being offered, immediately adjacent to the menu listing of the seafood item being sold. In lieu of this requirement, the notice shall be paper-clipped to the menu, with the same location, size, font, and shade restrictions required when the notice is listed directly on the menu.~~

~~(2)B.(1) Any food service establishment that does not use a menu as a standard business practice and sells or provides cooked or prepared crawfish or shrimp that originate outside of the United States shall display the following disclaimer on a sign posted at the main entrance to the establishment:~~

~~"Some items served at this establishment may contain imported seafood. Ask for more information."~~

~~that certain crawfish or shrimp, as applicable, being served within originate from a foreign country.~~

~~(2) Each sign shall be at least eighteen inches tall and eighteen inches wide and shall be written in the English language in letters not less than one inch in size. The sign shall be placed in an open area and in a conspicuous position not less than thirty-six inches from the floor so that it is visible to all patrons.~~

~~C. Any violation of this Section shall constitute a violation of the state sanitary code.~~

~~C.(1) No owner or employee of a restaurant or other retailer that sells imported seafood shall misrepresent to the public, either verbally, on a menu, or on signs displayed on the premises, that the crawfish or shrimp being sold is domestic.~~

~~(2) All representations, notices, and declarations made to the general public under this provision shall state clearly whether or not the crawfish or shrimp being sold to the consumer at the point of purchase is either domestic or imported.~~

~~D. For any seafood that is sold unpackaged, a food establishment shall clearly display the country of origin in a manner that is easily visible to the consumer.~~

~~E.(1) The Louisiana Department of Health shall be responsible for ensuring compliance with this Section. Any violation of this Section shall constitute a violation of the state Sanitary Code. The department shall issue fines for violations of this Section as follows:~~

~~(a) For a first offense, a fine of not less than two hundred dollars and not more than five hundred dollars per violation. The department, in its discretion, may provide an opportunity for corrective action in lieu of a fine for a first offense.~~

~~(b) For a second offense, a fine of not less than five hundred dollars and not more than one thousand dollars per violation.~~

~~(c) For a third and subsequent offense, a fine of not less than one thousand dollars and not more than two thousand dollars per violation.~~

~~(2) Notwithstanding any provision of law to the contrary, including R.S.~~

40:6(D), prior issuance of a notice of violation or compliance order shall not be a prerequisite to imposing the fines authorized by this Subsection, which may be imposed by issuance of a notice and order of imposition of penalties. The notice shall state with specificity the nature of the violation, shall be served on the violator by any means authorized by the Sanitary Code, and shall be subject to the same administrative appeal procedures and delays as provided for compliance orders in the Sanitary Code.

F. The department shall establish a reporting mechanism for members of the public to report suspected violations of this Section.

G. Reports to the department of suspected violations may be made anonymously. No person who in good faith reports a suspected violation to the department shall be liable for any civil damages. This Subsection shall not exempt from liability those individuals who intentionally cause damages to another individual, business, or entity.

~~D-H.~~ The Louisiana Department of Health shall promulgate all such rules in accordance with the Administrative Procedure Act as are necessary to enforce the provisions of this Section.

~~E-I.~~ For purposes of this Section, "food service establishment" shall have the meaning ascribed in R.S. 40:5.5. **mean any establishment provided for in R.S. 40:5.5 and any seafood market, grocer, vehicle, or other entity or person that sells food directly to the public for consumption.**

Section 4. R.S. 40:4(A)(1)(b) and R.S. 56:578.14 are repealed.

Section 5. The Louisiana Department of Health and the Louisiana Department of Agriculture and Forestry shall individually promulgate, in accordance with the Administrative Procedure Act, any emergency rules necessary to implement the provisions of this Act relevant to that department.

Section 6. This Act shall become effective on January 1, 2025.

Approved by the Governor, May 22, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 149

SENATE BILL NO. 219

**BY SENATORS MCMATH, BARROW, HENRY AND JACKSON-ANDREWS
AN ACT**

To amend and reenact R.S. 22:236.2(E), 236.4(D), 236.5(A), 237.4(E), 237.6(D), and 237.7(A) and to enact R.S. 22:236.2(B)(5), 236.5(F), 237.4(B)(5), and 237.7(F), relative to mutual insurance companies; to provide for a plan of reorganization; to provide for approval by the commissioner of insurance; to provide for approval of qualified voters; to provide for financial and market analysis reviews; to provide for approval of certain marketing activities; to provide for application; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:236.2(E), 236.4(D), 236.5(A), 237.4(E), 237.6(D), and 237.7(A) are hereby amended and reenacted and R.S. 22:236.2(B)(5), 236.5(F), 237.4(B)(5), and 237.7(F) are hereby enacted to read as follows:

§236.2. Plan of reorganization

* * *

B. The plan of reorganization shall:

* * *

(5) Disclose whether the proposed reorganization is being pursued in conjunction with a proposed acquisition, as defined in R.S. 22:691.5, if the reorganizing mutual is authorized to transact health insurance in this state.

* * *

E. All information, documents, and copies thereof obtained by or disclosed to the commissioner, the ~~Department of Insurance~~ **department**, or its designated representative in the course of an examination of a proposed plan of reorganization shall be treated in accordance with ~~R.S. 22:706~~ **R.S. 22:691.10.**

* * *

§236.4. Approval by commissioner after public hearing

* * *

D.(1) The commissioner may retain at the reorganizing mutual's expense such attorneys, actuaries, accountants, and other experts as may be reasonably necessary to assist the commissioner in his examination of a proposed conversion, including any part of such examination that may occur, at the request of a reorganizing mutual, prior to a plan of reorganization having been filed with the commissioner pursuant to R.S. 22:236.2. Such experts ~~must~~ **shall** prepare a projection of the amount of time and expenses necessary to complete the examination, and all work of these experts is subject to review. If the projected amount of time and expenses required to complete the examination appear excessive, the reorganizing mutual may petition the commissioner for appropriate relief, and the commissioner's decision shall be final.

(2)(a) If the reorganizing mutual's plan of reorganization is required to include a disclosure of proposed acquisition pursuant to R.S. 22:236.2(B)(5), the commissioner shall conduct financial and market analysis reviews of the terms, conditions, and price of the proposed acquisition. The financial and market analysis reviews shall include an independent valuation of the reorganizing mutual, conducted by an independent valuation expert with experience valuing similar companies and transactions, as well as a review of the financial and operational viability of the entity proposing to acquire the reorganizing mutual.

The commissioner shall conduct the reviews and publish the findings on the department's website prior to the date of the public hearing required by Subsection A of this Section.

(b) The reorganizing mutual shall publish the commissioner's reviews and findings on the reorganizing mutual's website with the notice of public hearing required by Subsection C of this Section.

(c) The provisions of this Paragraph do not apply to any reorganizing mutual with less than ten thousand individual or group health insurance policies issued to Louisiana residents. For purposes of this Subparagraph, the number of policies shall be the number reported by the reorganizing mutual in the National Association of Insurance Commissioners' Market Conduct Annual Statement under the Health section, excluding the Other Health section, for the most recent year preceding the submission of the demutualization application to the department.

* * *

§236.5. Approval by qualified voters

A. The plan of reorganization shall be approved at a meeting convened for that purpose by a vote of not less than two-thirds of the qualified voters of the reorganizing mutual entitled to vote on matters and present or represented by special ballot or special proxy. **Qualified voters may be represented by special ballot or special proxy. No special ballot or special proxy shall be distributed to qualified voters or accepted by the reorganizing mutual prior to the date of the public hearing required by R.S. 22:236.4(A).**

* * *

F. The reorganizing mutual shall obtain prior approval from the department of the content of any advertisement in any public media or unsolicited written communication directed to qualified voters to ensure the information being provided by the reorganizing mutual is not false, deceptive, or misleading.

* * *

§237.4. Plan of reorganization

* * *

B. The plan of reorganization shall:

* * *

(5) Disclose whether the proposed reorganization is being pursued in conjunction with a proposed acquisition, as defined in R.S. 22:691.5, if the reorganizing mutual is authorized to transact health insurance in this state.

* * *

E. All information, documents, and copies thereof obtained by or disclosed to the commissioner, the ~~Department of Insurance~~ **department**, or its designated representative in the course of an examination of a proposed plan of reorganization shall be treated in accordance with ~~R.S. 22:706~~ **R.S. 22:691.10.**

* * *

§237.6. Approval by commissioner after public hearing

* * *

D.(1) The commissioner may retain at the reorganizing mutual's expense such attorneys, actuaries, accountants, and other experts as may be reasonably necessary to assist the commissioner in his examination of a proposed conversion, including any part of such examination that may occur, at the request of a reorganizing mutual, prior to a plan of reorganization having been filed with the commissioner pursuant to R.S. 22:237.4. Such experts shall prepare a projection of the amount of time and expenses necessary to complete the examination, and all work of these experts is subject to review. If the projected amount of time and expenses required to complete the examination appear excessive, the reorganizing mutual may petition the commissioner for appropriate relief, and the commissioner's decision shall be final.

(2)(a) If the reorganizing mutual's plan of reorganization is required to include a disclosure of proposed acquisition pursuant to R.S. 22:237.4(B)(5), the commissioner shall conduct financial and market analysis reviews of the terms, conditions, and price of the proposed acquisition. The financial and market analysis reviews shall include an independent valuation of the reorganizing mutual, conducted by an independent valuation expert with experience valuing similar companies and transactions, as well as a review of the financial and operational viability of the entity proposing to acquire the reorganizing mutual. The commissioner shall conduct the reviews and publish the findings on the department's website prior to the date of the public hearing required by Subsection A of this Section.

(b) The reorganizing mutual shall publish the commissioner's reviews and findings on the reorganizing mutual's website with the notice of public hearing required by Subsection C of this Section.

(c) The provisions of this Paragraph do not apply to any reorganizing mutual with less than ten thousand individual or group health insurance policies issued to Louisiana residents. For purposes of this Subparagraph, the number of policies shall be the number reported by the reorganizing mutual in the National Association of Insurance Commissioners' Market Conduct Annual Statement under the Health section, excluding the Other Health section, for the most recent year preceding the submission of the demutualization application to the department.

* * *

§237.7. Approval by qualified voters

A. The plan of reorganization shall be approved at a meeting convened for that purpose by a vote of not less than two-thirds of the qualified voters of the reorganizing mutual entitled to vote on matters and present or represented by special ballot or special proxy. **Qualified voters may be represented by special ballot or special proxy. No special ballot or special proxy shall be distributed to**

qualified voters or accepted by the reorganizing mutual prior to the date of the public hearing required by R.S. 22:237.6(A).

* * *

F. The reorganizing mutual shall obtain prior approval from the department of the content of any advertisement in any public media or unsolicited written communication directed to qualified voters to ensure the information being provided by the reorganizing mutual is not false, deceptive, or misleading.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 22, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 150

SENATE BILL NO. 228
BY SENATOR MCMATH
AN ACT

To amend and reenact R.S. 40:1046(G)(3)(e), (H), and (L), 1046.2(A), the introductory paragraph of 1046.2(B), the introductory paragraph of 1046.2(B)(1), the introductory paragraph of 1046.2(B)(1)(a), 1046.2(B)(1)(b) through (e), and (B)(2)(a), (C)(1), the introductory paragraph of 1046.2(C)(2), and 1046.2(C)(2)(a) and (c), the introductory paragraph of 1046.2(D), the introductory paragraph of 1046.2(D)(1), and 1046.2(D)(2), (4), and (5), the introductory paragraph of 1046.2(E) and 1046.2(E)(1), the introductory paragraph of 1046.2(F), 1046.2(F)(1), the introductory paragraph of 1046.2(F)(2), and 1046.2(F)(2)(b) and (3), (G), (H)(1) and (2) and the introductory paragraph of 1046.2(H)(3), and the introductory paragraph of 1046.2(I), the introductory paragraph of 1046.2(I)(1), and 1046.2(I)(1)(a) and (b), (2), and (3), and 1046.4(A)(1) and (3) and (C)(1) and (2) and to enact R.S. 40:1046(M), relative to marijuana for therapeutic use; to provide for regulatory administration and licensing; to provide for the allocation of monies collected from the sale of therapeutic marijuana; to extend the sunset; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1046(G)(3)(e), (H), and (L), 1046.2(A), the introductory paragraph of 1046.2(B), the introductory paragraph of 1046.2(B)(1), the introductory paragraph of 1046.2(B)(1)(a), 1046.2(B)(1)(b) through (e), and (B)(2)(a), (C)(1), the introductory paragraph of 1046.2(C)(2), and 1046.2(C)(2)(a) and (c), the introductory paragraph of 1046.2(D), the introductory paragraph of 1046.2(D)(1), and 1046.2(D)(2), (4), and (5), the introductory paragraph of 1046.2(E) and 1046.2(E)(1), the introductory paragraph of 1046.2(F), 1046.2(F)(1), the introductory paragraph of 1046.2(F)(2), and 1046.2(F)(2)(b) and (3), (G), (H)(1) and (2) and the introductory paragraph of 1046.2(H)(3), and the introductory paragraph of 1046.2(I), the introductory paragraph of 1046.2(I)(1), and 1046.2(I)(1)(a) and (b), (2), and (3), and 1046.4(A)(1) and (3) and (C)(1) and (2) are hereby amended and reenacted and R.S. 40:1046(M) is hereby enacted to read as follows:

§1046. Recommendation and dispensing of marijuana for therapeutic use; rules and regulations of the Louisiana Board of Pharmacy; production facility licensing; permitting by the Louisiana Department of Health

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G.

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(e) For the purposes of this Paragraph, the active, qualified patient count shall be conducted and reviewed on a quarterly basis using the preceding ~~three-month~~ **twenty-four month** period.

* * *

~~H.(1)(a) The legislature hereby recognizes and declares that both the Louisiana State University Agricultural Center and the Southern University Agricultural Center timely exercised and asserted the intent of each university to be licensed to produce recommended marijuana for therapeutic use in this state in accordance with the provisions of Act No. 261 of the 2015 Regular Session of the Legislature of Louisiana.~~

~~(b) Each institution identified in Subparagraph (a) of this Paragraph, respectively, shall select and contract with only one contractor authorized to produce therapeutic marijuana in accordance with this Part. The selection process and contracting provided for in this Subparagraph shall be done in accordance with all applicable provisions of the Louisiana Procurement Code, R.S. 39:1551 et seq. Each contractor and the university with which it contracts shall execute an agreement for services. **The Louisiana Department of Health shall issue no more than two licenses to cultivate, extract, process, produce, and transport therapeutic marijuana in this state. Each license shall be issued on July first and shall be effective for a period of one year.**~~

~~(b) The licenses issued on July 1, 2024, shall be to the entities who held contracts with the Louisiana State University Agricultural Center and the Southern University Agricultural Center on January 1, 2024, pursuant to Act No. 261 of the 2015 Regular Session of the Legislature.~~

~~(c) Upon each renewal period, a license in force shall be renewed by the department for the next succeeding period upon proper application for renewal and payment of license fees as required by law and the rules and regulations of the department.~~

~~(d) Subject to the limitation of no more than two licenses to cultivate, extract, process, produce, and transport therapeutic marijuana in this state, the department shall select a new licensee through a competitive bid process in accordance with the applicable provisions of the Louisiana Procurement Code, R.S. 39:1551 et seq., if any of the following occur:~~

~~(i) After written notice from the department and failure of the licensee to cure within thirty days following receipt of written notice, a licensee fails to comply with the proper application for renewal and payment of license fees as required by law and the rules and regulations of the department, and the license is revoked.~~

~~(ii) A license is voluntarily returned or remitted to the department prior to the expiration of the licensure period.~~

~~(2)(a) The Louisiana Department of Health shall issue all of the following annually:~~

~~(a) A nontransferable specialty license for the production of recommended marijuana for therapeutic use, which the department shall issue only to the Louisiana State University Agricultural Center and the Southern University Agricultural Center.~~

~~(b) A permit to cultivate, extract, process, produce, and transport therapeutic marijuana, which the department shall issue only to the sole contractor selected by each university in accordance with Paragraph (1) of this Subsection.~~

~~(c) The Louisiana State University Agricultural Center, the Southern University Agricultural Center, and the University of Louisiana at Monroe may conduct research on marijuana for therapeutic use.~~

~~(d) On or before February first annually, the Louisiana State University Agricultural Center, the Southern University Agricultural Center, and the University of Louisiana at Monroe shall each submit to the Senate and House committees on health and welfare a report which includes data and outcomes of any research conducted pursuant to Subparagraph (c) of this Paragraph. No such report shall include any proprietary information, intellectual property, or private financial data.~~

~~(6)(a) The Louisiana Department of Health shall collect all of the following information from each licensee:~~

~~(i) The amount of gross marijuana produced by the licensee during each calendar year.~~

~~(ii) The details of all production costs including but not limited to seed, fertilizer, labor, advisory services, construction, and irrigation.~~

~~(iii) The details of any items or services for which the licensee subcontracted and the costs of each subcontractor directly or indirectly working for the contractor licensee.~~

~~(iv) The amount of therapeutic chemicals produced resulting from the marijuana grown pursuant to this Section.~~

~~(v) The amounts paid each year to the licensee related to the licensee's production of therapeutic marijuana pursuant to this Section.~~

~~(vi) The amount of therapeutic marijuana distributed to each pharmacy licensed to dispense therapeutic marijuana in this state during each calendar year.~~

~~(b) The Louisiana Department of Health shall provide the information collected as required by this Paragraph for the previous calendar year in the form of a written report to the legislature no later than February first of each year. The department shall also make a copy of the report required by this Subparagraph available to the public on the internet.~~

~~(7)(3) No company that has made a contribution to a candidate in a Louisiana election governed by the provisions of the Campaign Finance Disclosure Act within the five years prior to bidding for the license, or is controlled wholly or in part by a person who made such a contribution within the five years prior to the company bidding for the license, may be eligible for the license.~~

~~(8)(a)(4) The Louisiana Department of Health shall perform the following:~~

~~(i)(a) Establish and collect an annual license fee of one hundred thousand dollars from each contractor licensee permitted to cultivate, extract, process, produce, and transport therapeutic marijuana.~~

~~(ii)(b) Collect a nonrefundable application fee of ten thousand dollars.~~

~~(iii)(c) Assess a fee of seven percent of the gross sales of therapeutic marijuana. The fee shall be reported and paid by the licensed production facility or permitted contractor that sells therapeutic marijuana to marijuana pharmacies licensee. The fee shall be collected by the Department of Revenue and shall be subject to the provisions of Chapter 18 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 as amended. Notwithstanding the provisions of Subparagraph (b) of this Paragraph, the The Department of Revenue shall transfer monthly to the state treasury for deposit into the Disability Services Fund, as established in R.S. 28:826, the amount of revenues collected in accordance with this Item.~~

~~An amount shall be allocated to the department, pursuant to legislative appropriation, for regulatory, administrative, investigative, enforcement, legal, and other such expenses as may be necessary to carry out the provisions of this Chapter and for activities associated with the enforcement of law and regulations governing the therapeutic marijuana program.~~

~~(b) All fees collected by the department shall be used to fund the expenses relating to the regulation and control of therapeutic marijuana.~~

~~(5) The Louisiana Department of Health shall promulgate rules and regulations as necessary to implement the provisions of this Subsection.~~

* * *

L. The Louisiana State University Agricultural Center, the Southern University Agricultural Center, and the University of Louisiana at Monroe may conduct research on marijuana for therapeutic use.

M. The provisions of this Section shall terminate on **January 1, 2025** **July 1, 2030**.

* * *

§1046.2. Contractors; selection; Licensees; minimum standards

A. The ~~contractor~~ selected by the licensed university through a competitive bid process **licensee** to cultivate, extract, process, produce, and transport therapeutic marijuana shall be subject to oversight and inspections by the Louisiana Department of Health as provided in this Section.

B. Initial inspections of ~~contractor~~ facilities shall be conducted in accordance with the following procedures and requirements:

(1) Prior to commencement of operations, the Louisiana Department of Health shall conduct an initial inspection of the ~~contractor's~~ facility, limited strictly to a determination of the following:

(a) That the ~~contractor~~ facility adheres to all of the following:

* * *

(b) That the ~~contractor~~ **licensee** possesses and maintains accurate, detailed plans and elevation drawings of all operational areas involved with the cultivation, extraction, processing, and production of therapeutic marijuana.

(c) That the ~~contractor~~ **licensee** possesses and maintains a written operations plan, which shall be limited to standard operating procedures for the cultivation of marijuana in each facility production area, instructions for making each product produced on the premises, equipment operations manuals, procedures for conducting necessary safety checks, sanitization procedures for working surfaces and equipment, quality control procedures, and emergency preparedness procedures.

(d) That the ~~contractor~~ **licensee** has connection and access to the Louisiana Medical Marijuana Tracking System, **hereafter referred to in this Section as LMMTS.**

(e) That the ~~contractor~~ **licensee** has security against unauthorized entry via the presence of operational alarm and video surveillance systems, limited access areas, secure locking systems, and door controls throughout the facility.

* * *

(2)(a) Notwithstanding Paragraph (1) of this Subsection, nothing in this Section shall be construed to obstruct or impede the lawful activity of any licensee or permittee.

* * *

C.(1) Inspections of ~~contractor~~ facilities other than initial inspections shall be conducted in accordance with the procedures and requirements provided in Paragraph (2) of this Subsection.

(2) After a ~~contractor~~ **licensee** commences producing therapeutic marijuana in an approved facility, the Louisiana Department of Health shall inspect each ~~contractor~~ facility at least twice annually to verify the existence or accuracy of the following:

(a) Possession and accuracy of detailed plans and elevation drawings of all operational areas involved with the cultivation, extraction, processing, and production of ~~medical~~ **therapeutic** marijuana.

* * *

(c) Connection and accessibility to the ~~Louisiana Medical Marijuana Tracking System~~ **LMMTS.**

* * *

D. All of the following standards and requirements for security shall apply with respect to ~~contractor~~ facilities:

(1) Any ~~contractor~~ facility alarm or surveillance system shall include the following:

* * *

(2) Each ~~contractor~~ facility shall maintain on-site security personnel, at a minimum, during standard United States business hours of eight o'clock a.m. to five o'clock p.m. and shall maintain off-site, electronic security monitoring at all other times.

* * *

(4) Each ~~contractor~~ **licensee** shall limit access to and post limited-access signage where marijuana is cultivated, extracted, processed, produced, or stored. Limited access areas shall remain locked and accessible only by authorized personnel.

(5) Each employee, supervisor, or agent of each ~~contractor~~ **licensee** shall keep a current identification card, in a form approved by the department, on his person when present at a ~~contractor~~ facility.

E. All of the following procedures, restrictions, and authorizations shall apply relative to visitors at ~~contractor~~ facilities:

(1) Persons who do not possess a ~~contractor~~ **licensee** identification card shall be issued a visitor identification badge after signing a log maintained by the ~~contractor~~ **licensee** that properly identifies the visitor to the premises. The visitor shall wear the badge for the duration of his time on the premises, and the visitor shall not be left unaccompanied in any area where marijuana or marijuana products are present.

* * *

F. All of the following requirements shall apply with respect to data management by ~~contractors~~ **licensees:**

(1) Each ~~contractor~~ **licensee** shall acquire and maintain all software, hardware, and communications infrastructure necessary to ensure connectivity to and implementation of the ~~Louisiana Medical Marijuana~~

~~Tracking System, referred to hereafter in this Subsection as the LMMTS, to track therapeutic marijuana from seed to distribution to an approved laboratory, to licensed pharmacies, to another cultivation ~~contractor~~ **licensee** or to destruction, tagging each plant and product with a unique identification number, and entering the number into the LMMTS for tracking. The ~~contractor~~ **licensee** shall bear the cost of all expenses related to tracking, tagging, and implementation of the LMMTS.~~

(2) Within twenty-four hours of the respective qualifying event, the ~~contractor~~ **licensee** shall record the following in the LMMTS:

* * *

(b) The sale, transfer, or transport of therapeutic marijuana or its derivatives to another ~~contractor~~ **licensee**, approved laboratory, or therapeutic marijuana pharmacy.

* * *

(3) Notwithstanding any other provision of this Section, each ~~contractor~~ **licensee** shall keep all documents and information required by this Part for at least the current year and the three preceding calendar years, including but not limited to business records necessary to fully account for each business transaction conducted by the ~~contractor~~ **licensee.**

G. All of the following standards and requirements shall apply to ~~contractors'~~ **the licensees'** inventory:

(1) Each ~~contractor~~ **licensee** shall maintain a comprehensive inventory of all marijuana, including without limitation usable marijuana available for dispensing, mature marijuana plants, and seedlings at each authorized location. Following an initial inventory, all marijuana shall be inventoried on a weekly basis.

(2) Any therapeutic marijuana waste product shall be properly weighed and recorded in the ~~Louisiana Medical Marijuana Tracking System~~ **LMMTS** and stored in a limited access area of a ~~contractor~~ facility until rendered unusable.

H. Material safety data sheet requirements shall include all of the following:

(1) Any pesticides or chemicals used by a ~~contractor~~ **licensee** in the production of therapeutic marijuana shall be used and stored according to the ~~contractor's~~ **licensee's** written operations plan.

(2) Each ~~contractor~~ **licensee** shall maintain a material safety data sheet in each facility area where toxic cleaning compounds, sanitizing agents, solvents used in the production of therapeutic marijuana extracts and concentrates, pesticide chemicals, or other agricultural chemicals are used or stored.

(3) Each ~~contractor~~ **licensee** shall record the following information when applying a pesticide or other agricultural chemical to therapeutic marijuana at any cultivation stage:

* * *

I. All of the following requirements shall apply to transportation of therapeutic marijuana by ~~contractors~~ **licensees:**

(1) Prior to transporting therapeutic marijuana, a ~~contractor~~ **licensee** shall generate an inventory manifest in the ~~Louisiana Medical Marijuana Tracking System, referred to hereafter in this Subsection as the LMMTS, including all of the following information:~~

(a) The name of the ~~contractor~~ **licensee** originating the transport.

(b) The name of the ~~contractor~~ **licensee**, approved laboratory, or licensed pharmacy receiving the transport.

* * *

(2) The ~~contractor~~ **licensee** originating the transport shall provide the contractor, approved laboratory, or licensed pharmacy receiving the transport with a copy of the LMMTS inventory manifest, which shall not be altered after departing the originating ~~contractor's~~ **licensee's** facility.

(3) The ~~contractor~~ **licensee**, approved laboratory, or licensed pharmacy receiving the transport shall record the quantities of all therapeutic marijuana products in the LMMTS. However, any ~~contractor~~ **licensee**, approved laboratory, or licensed pharmacy receiving a therapeutic marijuana transport shall refuse the transport if it is not accompanied by an unaltered LMMTS inventory manifest.

* * *

§1046.4. Testing; sample collection; minimum standards; reporting; remediation

A.(1) Each ~~contractor~~ ~~permitted~~ **licensee authorized** to cultivate, extract, process, produce, and transport therapeutic marijuana pursuant to this Part shall comply with approved minimum standards by making each batch of therapeutic marijuana subject to random selection, sampling, and analysis conducted by an independent approved laboratory collector in a volume sufficient to ensure compliance.

* * *

(3) The laboratory shall record test results in the Louisiana Medical Marijuana Tracking System and produce a certificate of analysis to be delivered to the Louisiana Department of Health and ~~contractor~~ **licensee** permitted to cultivate, extract, process, produce, and transport therapeutic marijuana within twenty-four hours of test completion.

* * *

C.(1) Neither a ~~contractor~~ **licensee** nor an approved laboratory authorized pursuant to this Part shall release or approve a therapeutic marijuana product for delivery or sale until a sample from the applicable product batch has complied with all required testing standards.

(2) A ~~contractor~~ **licensee** may resubmit to an approved laboratory any sample that fails one or more initial tests required by this Part. The sample may be released for delivery and sale only if it passes all tests conducted by an approved laboratory in duplicate. The sample may be remediated according

to any reasonably acceptable industry methods if it fails one or more tests conducted by an approved laboratory.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 22, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 151

SENATE BILL NO. 242

BY SENATORS BOUIE, BARROW, BOUDREAU, CARTER, CATHEY, DUPLESSIS, FIELDS, FOIL, HARRIS, HENRY, JACKSON-ANDREWS, JENKINS, LAMBERT, PRICE AND WOMACK AND REPRESENTATIVES BAYHAM, BOURRIQUE, BOYD, BRAUD, BROWN, BRYANT, CARRIER, WILFORD CARTER, GLORIOSO, HUGHES, ILLG, JACKSON, TRAVIS JOHNSON, KNOX, LACOMBE, JACOB LANDRY, MANDIE LANDRY, MENA, NEWELL, PHELPS, SELDERS, STAGNI, TURNER AND WILLARD
AN ACT

To enact R.S. 22:1339, relative to the inspection of properties insured by a homeowner's policy; to provide for the use of aerial images to inspect properties; to provide for definitions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1339 is hereby enacted to read as follows:

§1339. Homeowner's insurance; use of aerial images to inspect property

A. An insurer shall not solely rely upon aerial images of an insured property to identify the specific condition that serves as the insurer's basis for cancellation or nonrenewal of a policy of homeowner's insurance unless the images are taken within twenty-four months of the date of the cancellation or nonrenewal of the policy. All images, including aerial images, that are not utilized to identify the condition that serves as the basis for cancellation or nonrenewal or that are utilized solely for the purpose of identification and location of the immovable property and any improvements to the immovable property may be used without a limitation on the age of the photograph.

B. For purposes of this Section, "aerial images" means pictures, recordings, or any physical evidence captured in the airspace above a property from an aircraft or other airborne platform, including but not limited to third-party proprietary aerial imagery taken by a fixed-wing aircraft and satellites.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 22, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 152

HOUSE BILL NO. 475

BY REPRESENTATIVE BOURRIQUE
AN ACT

To amend and reenact R.S. 47:532.1(A)(1) and to enact R.S. 47:532.4, relative to digital transaction providers; to authorize the commissioner to enter into agreements related to digitized credentials; to authorize digital transaction providers to collect fees and process applications and transactions; to require review and approval of charges collected; to provide for terms of contracts with digital transaction providers; to require a surety bond and insurance for digital transaction providers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:532.1(A)(1) is hereby amended and reenacted and R.S. 47:532.4 is hereby enacted to read as follows:

§532.1. Public license tag agents; auto title companies; rules and regulations; surety bonds; fees

A.(1) The commissioner may establish a system of public license tag agents to collect the registration license taxes authorized by this Chapter. The system shall consist of municipal and parish governing authorities or new motor vehicle dealers or their agents licensed pursuant to the provisions of R.S. 32:1254 and authorized auto title companies pursuant to the provisions of R.S. 32:735 et seq. No persons, natural or juridical, except public license tag agents, auto title companies, financial institutions, licensed new or used car dealers, recreational product dealers, digital transaction providers, state departments, offices, or entities and those included in the system established

pursuant to this Section shall collect registration license taxes authorized by this Chapter.

* * *

§532.4. Digital transaction provider

A.(1) The commissioner may enter into an agreement with digital transaction providers, who may be private persons or public or private agencies, for the purpose of carrying out the provisions authorized in R.S. 39:17.2 and R.S. 39:17.5.

(2) The Department of Public Safety and Corrections, office of motor vehicles, may deny a contract to any person, natural or juridical, seeking to be a digital transaction provider if that person has been found to be in violation of any rule or regulation promulgated by the Department of Public Safety and Corrections, office of motor vehicles.

B.(1) Digital transaction providers may collect the registration and renewal license taxes and fees associated with issuance of vehicle registration, driver's license, or identification cards or for reinstatement of driving and motor vehicle registration privileges.

(2) Digital transaction providers shall be authorized to collect a convenience charge not to exceed ninety percent of the amount authorized by R.S. 47:532.1(C), provided that the charges are disclosed immediately to the consumer prior to the initiation of the transaction.

(3) The amount of the charge collected by the digital transaction provider shall be subject to review and recommendation by the state treasurer and shall be approved by the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means according to the provisions of R.S. 49:316.1(A)(2)(c).

C. The commissioner may authorize the digital transaction provider to process additional applications or transactions.

D. The contract between the Department of Public Safety and Corrections, office of motor vehicles, and a person who contracts to perform services pursuant to this Section shall be for a term of two years and may be automatically renewed by the Department of Public Safety and Corrections, office of motor vehicles.

E.(1) Each digital transaction provider shall execute a good and sufficient surety bond with a surety company qualified to do business in Louisiana as surety in a sum of one hundred thousand dollars, if a surety bond is available for purchase, which bond shall name the Department of Public Safety and Corrections, office of motor vehicles, as obligee and shall be subject to the condition that, if such digital transaction provider shall, throughout the entire term of the bond, timely file with the Department of Public Safety and Corrections, office of motor vehicles, all applications and fees delivered to such digital transaction provider for filing, and all taxes and fees collected by such digital transaction provider, the obligation shall be void. If the company does not do so, the obligation of the surety shall remain in full force and effect.

(2) The surety bond furnished pursuant to this Paragraph shall be delivered to and filed with the Department of Public Safety and Corrections, office of motor vehicles.

F. Digital transaction providers shall obtain a cyber liability insurance policy with a company qualified to do business in Louisiana in the amount of one million dollars, which names the state of Louisiana, the department, the department's employees, and the office of technology services and its employees as additional insureds.

G. The commissioner shall promulgate rules necessary to implement the provisions of this Section.

Approved by the Governor, May 22, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 153

HOUSE BILL NO. 543

BY REPRESENTATIVE ZERINGUE
AN ACT

To amend and reenact Section 6 of Act No. 356 of the 2021 Regular Session of the Legislature and R.S. 56:10(B)(1)(f), 302.9(B), (C)(3)(c), and (G), and 3001(A)(4) and (5) and (B)(5) and (6), to enact R.S. 56:302.1 and 3001(A)(6) and (B)(7), and to repeal R.S. 56:3007(C), relative to fishing; to require saltwater fishing licenses; to provide for terms and conditions of the saltwater fishing license; to provide for charter fishing licenses; to provide for the charter promotion fee, and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:10(B)(1)(f), 302.9(B), (C)(3)(c), and (G), and 3001(A)(4) and (5) and (B)(5) and (6) are hereby amended and reenacted and R.S. 56:302.1 and 3001(A)(6) and (B)(7) are hereby enacted to read as follows:

§10. Annual report to governor; estimate of proposed expenditures; particular funds; limitations on purposes for use of monies in particular funds and accounts; warrants; vouchers; surplus funds

* * *

B.(1) Subject to the exception contained in Article VII, Section 9(A) of the Constitution of Louisiana, all funds collected by the commission from every source shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state

which become due and payable within any fiscal year, the treasurer shall, prior to placing such remaining funds in the state general fund, conform to the following:

* * *

(f) There is hereby created in the Conservation Fund; a special escrow account known as the Charter Boat Fishing Escrow Account Fund. The escrow account is created to receive deposits of charter promotion fees collected pursuant to R.S. 56:302.9(C)(3)(c) and 3001. Monies deposited into the fund shall be used by the department Louisiana Charter Boat Association for the promotion of the charter boat industry, protection of the fishery, and to provide for administrative costs of the fund. Such funds are to be expended for such purposes through the Louisiana Charter Boat Association.

* * *

§302.1. Saltwater fishing; charter fishing

A. Any person fishing in the saltwater areas of the state defined in R.S. 56:322 must purchase and possess both a basic fishing license and a saltwater license or an equivalent license that grants both basic fishing and saltwater fishing privileges.

B. As a condition of the application for and the granting of the saltwater license, all saltwater finfish caught or transported by the license holder while the license is in effect are presumed to have been taken in the waters of Louisiana.

C. A person fishing with a licensed charter guide on board the vessel may purchase a charter three-day fishing license in lieu of a basic annual recreational fishing license.

D. In addition to the license fee assessed for any recreational charter fishing license, an amount equal to seven dollars and fifty cents shall be collected and deposited into the Charter Boat Fishing Escrow Account pursuant to R.S. 56:10(B)(1)(f).

E. A person may take or possess a freshwater species of fish while in the saltwater areas designated by R.S. 56:322(B) without the necessity of a saltwater license. The commission shall promulgate by rule the species of fish classified as freshwater species. While in saltwater areas, a person possessing fish other than those designated as freshwater species shall be required to possess either a saltwater fishing license or an equivalent license that grants both basic and saltwater fishing privileges. Any species of fish that is required to be returned to the water shall be returned immediately to the water without avoidable injury from which it was taken. An enforcement agent or officer of the department may inspect a fisherman's catch to ensure compliance with this Subsection.

* * *

§302.9. Charter boat fishing guide license; nonresident fee

* * *

B. A nonresident fishing from a vessel operated by a licensed charter boat fishing guide shall purchase and possess the appropriate required license as defined in R.S. 56:3001(B) a valid license to fish in the saltwater areas of the state. Each nonresident shall also possess a valid out-of-state motor vehicle operator's license or such other proof of residency as the department may require.

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(c) There shall be an additional five hundred dollar charter promotion fee for each nonresident charter boat fishing guide license issued under the provisions of Subparagraphs (a) and (b) of this Paragraph which shall be deposited into the Charter Boat Fishing Escrow Account Conservation Fund, as provided in R.S. 56:10(B)(1)(f). Such funds shall be used by the department for promotion of the charter boat industry, protection of the fishery, and to provide for administrative costs of the fund. Such fees are to be expended for such purposes through the Louisiana Charter Boat Association.

* * *

G. Except for the charter promotion fee provided for in Subparagraph (C) (3)(c) of this Section, all annual license The fees derived pursuant to this Section shall be placed in the conservation fund. Ten percent of the fees collected annually from the sale of charter boat fishing guide licenses shall be used by the department for the promotion of the industry and protection of the fishery. Such fees are to be expended for such purposes through the Louisiana Charter Boat Association.

* * *

§3001. Recreational fishing licenses; fees

A. Resident licenses:

* * *

(4) Charter three-day saltwater fishing license	\$20.00	\$12.50
(5) Charter three-day freshwater fishing license	\$10.00	\$2.50
(6) Charter promotion fee		\$7.50

B. Nonresident licenses:

* * *

(5) Charter boat three-day saltwater fishing license	\$20.00	\$12.50
(6) Charter boat three-day freshwater fishing license	\$10.00	\$2.50
(7) Charter promotion fee		\$7.50

Section 2. Section 6 of Act No. 356 of the 2021 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

Section 6. R.S. 56:10(B)(1)(d), (6), 103(E) and (F), 103.1, 104, 105, 155, 156, 157, 164, 165, 166, 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 303.6(A)(2), 641.1, 642, 643, 646, 647.1, 649.5, 649.6, 650, 650.1, and 1832 are hereby repealed in their entirety.

Section 3. R.S. 56:3007(C) is hereby repealed in its entirety. Approved by the Governor, May 22, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 154

HOUSE BILL NO. 551

BY REPRESENTATIVES BRASS, CARVER, MELERINE, BOYD, BRYANT, WILFORD CARTER, FISHER, JACKSON, LAFLEUR, LARVADAIN, LYONS, SELDERS, TAYLOR, WALTERS, AND YOUNG

AN ACT

To amend and reenact R.S. 17:2922.1(B)(1)(introductory paragraph), (D)(1), and (E)(5)(a), (d), (e), and (f) and to enact R.S. 17:2922.1(B)(1)(n) and (E)(5)(g) and (h), relative to the Dual Enrollment Framework Task Force; to provide for an increase to the membership of the task force; to provide for the duties of the task force; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:2922.1(B)(1)(introductory paragraph), (D)(1), and (E)(5)(a), (d), (e), and (f) are hereby amended and reenacted and R.S. 17:2922.1(B)(1)(n) and (E)(5)(g) and (h) are hereby enacted to read as follows:

§2922.1. Dual Enrollment Framework Task Force; creation; purpose; membership; definitions; reporting; termination

* * *

B.(1) The task force shall be composed of ~~thirteen~~ fourteen members as follows:

* * *

(n) The president of the Louisiana Association for Career and Technical Education or his designee.

* * *

D. In developing recommendations for the framework, the task force shall: (1) Review existing laws, policies, and efforts in Louisiana and other states on dual enrollment, course choice, student remediation, articulation and transfer, career pathways, technical high schools, and transition courses.

* * *

E. In making recommendations, the task force may identify:

* * *

(5) A process to:

(a) Guarantee that dual enrollment courses articulate to the appropriate public postsecondary education institution including advancing a student's progress toward postsecondary technical certificates, diplomas, and degrees and related industry-based certifications.

* * *

(d) Recognize and reward schools, through the state's school and district accountability system, that graduate students who have earned significant credit toward a postsecondary credential or degree in both academic and technical fields.

(e) Recognize and reward each postsecondary education institution, within the postsecondary education funding formula, that shows significant use of dual enrollment in academic or technical fields to further its institutional mission.

(f) Identify opportunities for expanding career-relevant college credit and industry-based credentials through dual enrollment, including by establishing regional technical high schools operated by partnerships of one or more school districts and one or more public colleges or universities.

(g)(i) Establish a uniform pricing structure which may include a maximum tuition for dual enrollment courses offered by each public postsecondary education institution and which may differentiate between courses taught on a postsecondary campus, online, or at a high school, and may differentiate by the qualifications of the instructor.

(i) Notwithstanding Item (i) of this Subparagraph, the recommended pricing structure shall not prevent a public postsecondary education institution and a public high school governing authority from entering into a memorandum of understanding or other agreement to provide dual enrollment courses free of charge or an amount less than that established by the pricing structure.

(h) Expand virtual instruction programs to increase the participation of dual enrollment course offerings in school districts across the state.

* * *

Approved by the Governor, May 22, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 155

HOUSE BILL NO. 645

BY REPRESENTATIVE FREIBERG

AN ACT

To amend and reenact R.S. 32:461(A)(1) and (2), (B)(3), and (C) and to repeal R.S. 32:461(B)(4), relative to road usage fee collection; to provide for collection and administration of the road usage fee on hybrid and electric vehicles; to provide certain definitions; to provide for the rate of fees; to provide for a special effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:461(A)(1) and (2), (B)(3), and (C) are hereby amended and reenacted to read as follows:

§461. Imposition of road usage fee; electric vehicles; hybrid vehicles; administration and collection; use of proceeds

A.(1) There is hereby levied a road usage fee ~~of not to exceed~~ one hundred ten dollars per year on each electric vehicle which is operated upon the highways of this state and which is required to be registered in accordance with the provisions of Chapter 4 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, as amended the registration license tax.

(2) There is hereby levied a road usage fee ~~not to exceed~~ of sixty dollars per year on each hybrid vehicle which is operated upon the highways of this state and which is required to be registered in accordance with the provisions of Chapter 4 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, as amended the registration license tax.

* * *

B. For purposes of this Section, the following terms shall have the following meanings unless the context clearly indicates otherwise:

* * *

(3) ~~“Owner” shall have the same meaning as defined by R.S. 47:451~~ “Registration license tax” shall have the meaning provided for in Chapter 4 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, as amended.

C. Administration and collection of the road usage fee.

(1) ~~The fees imposed by Subsection A of this Section shall be paid by the owner of the electric vehicle and the owner of the hybrid vehicle on a calendar year basis. The fee shall be due on or before May 15th for the preceding year in which the electric vehicle or hybrid vehicle was operated upon the highways of this state. The commissioner of the office of motor vehicles or an agent authorized to collect the registration license tax pursuant to R.S. 47:532.1, shall collect the fee levied pursuant to the provisions of this Section at the same time, for the same period, and in the same manner as the registration license tax.~~

(2) ~~The secretary shall administer and is authorized to collect the fees imposed by Subsection A of this Section with all the duties and powers authorized by Chapter 18 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, as amended. The commissioner of the office of motor vehicles may promulgate rules in accordance with the Administrative Procedure Act to provide for collection and administrative procedures that the commissioner determines necessary to administer this Section, including procedures for the collection of the road usage fee applicable to vehicles first registered in the state during calendar year 2025.~~

(3) ~~In consultation with the secretary of the Department of Transportation and Development, the secretary shall promulgate rules in accordance with the Administrative Procedure Act relative to the following:~~

(a) ~~To develop a prorated fee schedule applicable to electric vehicles and hybrid vehicles that are registered to be operated upon the highways of this state for less than one year. The fee schedule may consider mileage, weight, days operated, and other relevant factors to reasonably determine a fee that is commensurate and in proportion with actual road usage in this state.~~

(b) ~~To prescribe and publish forms, schedules, and methods upon which the fee levied pursuant to this Section may be reported and remitted to the secretary, including through the use of existing forms and schedules.~~

(c) ~~To provide for collection and administrative procedures that the secretary determines necessary to administer this Section.~~

* * *

Section 2. R.S. 32:461(B)(4) is hereby repealed in its entirety.

Section 3. The provisions of this Act shall be applicable to each hybrid and electric vehicle subject to the registration license tax on or after January 1, 2026. The responsibility for collection and oversight shall transfer from the secretary of the Department of Revenue to the commissioner of the office of motor vehicles on January 1, 2026. However, the commissioner shall be authorized to take whatever preliminary steps are necessary to implement the provisions of this Act.

Section 4. This Act shall become effective upon signature by the governor or, if not, signed by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 22, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 156

HOUSE BILL NO. 698
BY REPRESENTATIVE SCHAMERHORN
AN ACT

To amend and reenact R.S. 32:414(N), relative to the suspension of driving and motor vehicle registration privileges; to provide for penalties for payments and fees made with an insufficient funds check or any form of payment that is the subject of a chargeback; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:414(N) is hereby amended and reenacted to read as follows:
§414. Suspension, revocation, renewal, and cancellation of licenses; judicial

THE ADVOCATE
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* As it appears in the enrolled bill

review

* * *

N.(1) The department may suspend the driving and motor vehicle registration privileges of any person who pays taxes or fees to either the office of motor vehicles or to a public license tag agent contracted with and acting on behalf of the office of motor vehicles, with a check which is subsequently dishonored for insufficient funds, if the person fails to redeem the check within thirty days after the date notice of suspension is mailed to the licensee by the department. The period of suspension shall begin thirty days after the date the notice of suspension is mailed to the licensee by the department. Any license so suspended shall remain suspended until all pending assessments against the person, including a reinstatement fee provided for in Subsection H of this Section, have been paid, ~~in cash. No economic hardship license shall be issued when a person's driving and motor vehicle registration privileges have been suspended under the provisions of this Subsection.~~

(2) The department may suspend the driving and motor vehicle registration privileges of any person who pays taxes or fees to either the office of motor vehicles or to a public license tag agent contracted with and acting on behalf of the office of motor vehicles, with a credit or debit card or any form of electronic payment that is the subject of a chargeback, if the person fails to make the required payment within thirty days after the date notice of suspension is mailed to the licensee by the department. The period of suspension shall begin thirty days after the date the notice of suspension is mailed to the licensee by the department.

(3) The department shall promulgate rules as may be necessary to implement the provisions of this Subsection.

* * *

Approved by the Governor, May 22, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 157

HOUSE BILL NO. 734
BY REPRESENTATIVE VILLIO
AN ACT

To amend and reenact R.S. 14:130.1(B)(1) and (3) and to enact R.S. 14:130.1(A)(5), (B)(5), and (C) and R.S. 46:1844(Y), relative to victim notification; to provide relative to the elements of the crime of obstruction of justice; to provide relative to the penalties for the crime of obstruction of justice; to provide for a definition; to provide relative to the contacting of a victim's family in a case where the death penalty has been imposed; to provide for notification procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:130.1(B)(1) and (3) are hereby amended and reenacted and R.S. 14:130.1(A)(5), (B)(5), and (C) are hereby enacted to read as follows:

§130.1. Obstruction of justice

A. The crime of obstruction of justice is any of the following when committed with the knowledge that such act has, reasonably may, or will affect an actual or potential present, past, or future criminal proceeding as described in this Section:

* * *

(5) Contacting a family member of the victim in a manner that knowingly and intentionally violates the provisions of R.S. 46:1844(Y).

B. Whoever commits the crime of obstruction of justice shall be subject to the following penalties:

(1) When the obstruction of justice involves a criminal proceeding in which a sentence of death or life imprisonment may be imposed, except as provided in Paragraph (5) of this Subsection, the offender shall be fined not more than one hundred thousand dollars, imprisoned for not more than forty years at hard labor, or both.

* * *

(3) When the obstruction of justice involves any other criminal proceeding, except as provided in ~~Paragraph (4)~~ Paragraphs (4) or (5) of this Subsection, the offender shall be fined not more than ten thousand dollars, imprisoned for not more than five years, with or without hard labor, or both.

* * *

(5) When the obstruction of justice is committed as described in Paragraph (A)(5) of this Section and involves a criminal proceeding in which the sentence imposed is a sentence of death, the offender shall be fined not more than five thousand dollars, imprisoned for not more than three years, with or without hard labor, or both.

C. For the purposes of this Section, “family member” shall have the same meaning and definition as in R.S. 46:2132.

Section 2. R.S. 46:1844(Y) is hereby enacted to read as follows:

§1844. Basic rights for victim and witness

* * *

Y. Capital Cases.

(1) In cases where the sentence is the death penalty and the clemency process has commenced, the victim's family shall have the right to not be contacted by any of the following unless an appointment with the family has been requested, approved, and arranged through a victim service coordinator appointed by either the prosecuting agency or the Department of Public Safety and Corrections through its Louisiana Victim Outreach Program:

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscored and boldfaced (Senate Bills) are additions.

- (a) The offender.
(b) Any family member or friend of the offender.
(c) Any legal representative of the offender.
(d) Any person or group who actually or purports to represent the offender or the interests of the offender.

(2) Upon conviction in cases where the sentence is the death penalty, the victim's family shall be notified by the victim service coordinator of their right to not be contacted by any person, group, or entity who actually or purports to represent the offender or the interests of the offender in subsequent clemency procedures, unless an appointment has been requested, approved, and arranged through the victim service coordinator. The victim service coordinator shall provide a form to the victim's family to request that the victim's family not be contacted in any manner by any person, group, or entity who actually or purports to represent the offender or the interests of the offender related to clemency procedures. The victim service coordinator shall provide notice of this document by United States mail to each party in the case.

(3) Whoever violates the provisions of this Subsection shall be punished in accordance with R.S. 14:130.1(B)(5).

Approved by the Governor, May 22, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 158

SENATE BILL NO. 23
BY SENATOR MILLER

(On Recommendation of the Louisiana State Law Institute)

AN ACT

To amend and reenact Civil Code Art. 783 and Part II-B of Chapter 1 of Code Title I of Code Book II of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:1141.1 through 1141.50, Part III of Chapter 1 of Code Title I of Code Book II of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:1145 through 1148, and R.S. 9:2792.7(B)(3) and 3132(1)(g), relative to common interest ownership property; to provide for the Planned Community Act; to provide for definitions; to provide for the creation, alteration, and termination of a planned community; to provide for the contents of a declaration; to provide for the allocation of expenses; to provide for voting interests; to provide development rights; to provide for lot boundaries; to provide for rights of secured parties; to provide for owners associations; to provide for association powers and duties; to provide for a board of directors and officers; to provide for declarant control; to provide for the transfer of rights; to provide for bylaws; to provide for meetings of the association; to provide for insurance; to provide for assessments; to provide for privileges; to provide for notice to lot owners; to provide consumer protections; to provide for a public offering statement; to provide for warranties; to provide for a purchaser's right to cancel; to provide for attorney fees; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Art. 783 is hereby amended and reenacted to read as follows:

Art. 783. Matters of interpretation and application

Doubt as to the existence, validity, or extent of building restrictions is resolved in favor of the unrestricted use of the immovable. The provisions of the Louisiana Condominium Act, the Louisiana Timesharing Act, and the Louisiana Homeowners Association **Planned Community Act** shall supersede any and all provisions of this Title in the event of a conflict.

Section 2. Part II-B of Chapter 1 of Code Title I of Code Book II of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:1141.1 through 1141.50, Part III of Chapter 1 of Code Title I of Code Book II of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:1145 through 1148, and R.S. 9:2792.7(B)(3) and 3132(1)(g) are hereby amended and reenacted to read as follows:

PART II-B. LOUISIANA HOMEOWNERS ASSOCIATION
PLANNED COMMUNITY ACT

SUBPART A. **DEFINITIONS AND GENERAL PROVISIONS**

§1141.1. Short title

This Part shall be known **and may be cited** as the "Louisiana Homeowners Association **Planned Community Act**".

§1141.2. Definitions

As used in this Part, unless the context clearly indicates otherwise **the following terms have the meanings indicated below:**

(1) "Association property" means all the property either held by the association or commonly held by the members of the association, or both, and lots privately held by members of the association. "Affiliate of the declarant" means any person who controls, is controlled by, or is under common control with a declarant. For purposes of this Paragraph:

(a) A person controls a declarant if the person satisfies any of the following:

(i) The person is a general partner, officer, director, employer, or manager of the declarant.

(ii) The person directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds the power to vote, or holds proxies representing, more than twenty percent of the voting interest in the declarant.

(iii) The person controls in any manner the election of a majority of the directors of the declarant.

(iv) The person has contributed more than twenty percent of the capital of the declarant.

(b) A person is controlled by a declarant if the declarant satisfies any of the following:

(i) The declarant is a general partner, officer, director, employer, or manager of the person.

(ii) The declarant directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds the power to vote, or holds proxies representing, more than twenty percent of the voting interest in the person.

(iii) The declarant controls in any manner the election of a majority of the directors of the person.

(iv) The declarant has contributed more than twenty percent of the capital of the person.

(c) Control does not exist if the powers described in this Paragraph are held solely as security for an obligation and are not exercised.

(2) "Assessment" means the sum allocable to each lot and due to the association pursuant to R.S. 9:1141.32.

(3) "Association" or "lot owners association" means the lot owners association organized pursuant to R.S. 9:1141.19.

(4) "Board of directors" means the body, regardless of name, designated in the declaration or bylaws to conduct and supervise the affairs of the association.

(5) "Bylaws" means a written instrument that meets the requirements of R.S. 9:1141.25 and contains the procedures for the conduct of the affairs of the association, including any amendments to the instrument.

(6) "Common area" means any immovable property owned or otherwise maintained, repaired, or administered by the association located within a planned community and designated as such on a recorded plat for the benefit, use, and enjoyment of its members of or use by lot owners and their invitees.

(7) "Common expense liability" means the liability for common expenses allocated to each lot pursuant to R.S. 9:1141.6.

(8) "Common expenses" means expenditures made by, or financial liabilities of, the association, together with any allocations to reserves for the benefit and use of the planned community.

(9) "Community document or documents" means the articles of incorporation, bylaws, plat, declarations, covenants, conditions, building restrictions, rules and regulations, or other written instruments, including any amendment thereto, by which the association has the authority to exercise any of its powers to manage, maintain, or otherwise affect the association planned community or any immovable property or which otherwise govern the use of association property located therein.

(10) "Complete property description" means any description of immovable property that, if contained in a mortgage of the immovable property filed for registry, would be sufficient for the mortgage to be effective against third persons.

(11) "Declarant" means the person designated as such in the declaration or, in the absence of a designation, the owner of the immovable property or the ground lessee who executes the declaration to establish the planned community.

(12) "Declaration" means any instrument, however denominated, that establishes or regulates, or both, a residential creates a planned community, and including any amendment thereto amendments to the instrument.

(13) "Homeowners association" or "association" means a nonprofit corporation, unincorporated association, or other legal entity, which is created pursuant to a declaration, whose members consist primarily of lot owners, and which is created to manage or regulate, or both, the residential planned community.

(14) "Development right" means any right or combination of rights reserved by a declarant in the declaration to do any of the following:

(a) Add immovable property to a planned community.

(b) Create lots, common areas, or limited common areas within a planned community.

(c) Subdivide lots or convert lots into common areas.

(d) Withdraw immovable property from a planned community.

(15) "Director" means a person who serves on the board of directors elected or appointed to conduct and supervise the affairs of the association.

(16) "Electronic means" includes any form of communication that does not directly involve the physical transmission of paper and that creates a record capable of being retrieved, reviewed, and retained by a recipient of the communication. A meeting conducted by electronic means includes a meeting conducted by teleconference, videoconference, internet exchange, or other electronic methods. Any term used in this Paragraph that is defined in R.S. 9:2601 et seq., the Louisiana Uniform Electronic Transactions Act, shall have the meaning set forth in that Act.

(17) "Electronic transmission" or "electronically transmitted" means any form or process of communication, not directly involving the physical transfer of paper or another tangible medium, that is both of the following:

(a) Suitable for the retention, retrieval, and reproduction of information by the recipient.

(b) Retrieval in paper form by the recipient through an automated process used in conventional commercial practice, provided that this requirement shall not apply if both of the following conditions are met:

(i) The electronic transmission is otherwise retrievable in perceivable form.

(ii) The sender and the recipient have consented in writing to the use of the form of electronic transmission.

(17) “Leasehold planned community” means a planned community in which all or a portion of the immovable property is subject to a lease the expiration or termination of which will terminate the planned community or reduce its size.

(18) “Limited common areas” means a portion of the common areas allocated by the declaration or by operation of R.S. 9:1141.8 for the exclusive use of one or more but fewer than all of the lot owners and their invitees.

~~(6)(19) “Lot” means any plot or parcel of land designated for separate ownership shown on a recorded subdivision plat for a residential development or the boundaries of which are otherwise described in a recorded instrument~~
immovable property within a planned community designated for separate ownership on a recorded plat, other than common area, within the jurisdiction of the residential community as such area is described in the community documents areas.

(20) “Lot owner” means a person appearing as an owner of a lot in the conveyance records of the parish where the lot is located.

(21) “Majority vote” means the vote cast through a method permitted by R.S. 9:1141.28 by more than fifty percent of the voting interest present at a duly called meeting of the association.

(22) “Member” or “membership” means all lot owners, as well as former lot owners entitled to distributions of proceeds pursuant to R.S. 9:1141.15, or their heirs, successors, or assigns.

(23) “Nonresidential use” means any commercial, office, retail, or similar type of use, or any other use that is not a residential use.

(24) “Occupant” means any person occupying a lot, including persons occupying by permission or accommodation of the owner, former owner, or another occupant, whether express or implied.

(25) “Person” means both natural persons and juridical persons as defined in Civil Code Article 24, unless otherwise indicated.

~~(7)(26) “Residential planned community” or “planned community”~~
means a real estate development, used primarily for residential purposes, in which the owners of separately owned lots are mandatory members of an association by virtue of such ownership immovable property described in a declaration that obligates lot owners to pay assessments related to common areas, to other lots, or to other property described in the declaration. A planned community shall not include condominium property subject to the Louisiana Condominium Act.

(27) “Record”, used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(28) “Residential use” means the use of a lot as a residence, including the use of a multi-unit building as a residence, provided that the building contains four or fewer separate housing units, the building is located on a single lot, and the entirety of the building is owned by the same person or persons.

(29) “Restriction” means an obligation imposed on a lot, whether affirmative or negative, by the declaration.

(30) “Rule” means a policy, guideline, restriction, procedure, or regulation of an association, however denominated, that is not set forth in the declaration or bylaws and that governs the conduct of persons or the use or appearance of property.

(31) “Security right” means any form of security as defined in Civil Code Article 3136.

(32) “Special declarant rights” means rights reserved for the benefit of a declarant to do any of the following:

- (a) Complete improvements indicated on plats filed with the declaration.**
- (b) Exercise any development right.**
- (c) Exercise sales and marketing rights in accordance with R.S. 9:1141.12.**
- (d) Establish any servitudes through the common areas for making improvements within the planned community or within immovable property that may be added to the planned community.**
- (e) Make the planned community subject to a master association.**
- (f) Combine a planned community with another planned community.**
- (g) Appoint or remove any officer of the association or any master association or any director during any period of declarant control.**
- (h) Control any construction, design review, or aesthetic standards committee or process.**
- (i) Attend meetings of the lot owners and, except during an executive session, the board of directors.**
- (j) Have access to the records of the association to the same extent as a lot owner.**
- (k) Set the number of directors and officers of the association.**

(33) “Supermajority vote” means the vote cast through a method permitted by R.S. 9:1141.28 by more than eighty percent of the voting interest in the association.

(34) “Two-thirds vote” means the vote cast through a method permitted by R.S. 9:1141.28 by at least two-thirds of the voting interest present at a duly called meeting of the association.

(35) “Unrelated purchaser” means a person who purchases a lot and who is not any of the following:

- (a) The declarant or an affiliate of the declarant.**
- (b) An individual, trust, or other person that directly or indirectly owns twenty percent or more of the declarant.**
- (c) An immediate family member of a person described in Subparagraph (a) or (b) of this Paragraph.**

(36) “Vote” means consent, waiver, ballot, or proxy by a method permitted by R.S. 9:1141.28.

(37) “Voting interest” or “voting power” means the votes allocated to a lot in

the declaration.

Revision Comments – 2024

(a) The actions of the association are intended to follow corporate governance rules, rather than compliance with rules for the imposition of building restrictions in accordance with property law. Matters of routine administration and governance are undertaken by the required vote at a meeting at which a quorum is present. Matters requiring a supermajority vote, such as adding or removing property from the planned community or imposing more burdensome restrictions, are undertaken by a supermajority vote of the total membership of the planned community. The distinction is intentional.

(b) See R.S. 1:7, which provides that words used in the singular number include the plural.

(c) In Paragraph (28), housing units owned by spouses, whether pursuant to a community or separate property regime, are considered owned by the same person.

§1141.3. Applicability

A. The provisions of this Part shall be applicable to existing and future residential planned communities whose declarations have been duly executed and filed for registry. However, this Part shall not be construed to affect the validity or superiority of any provision of a community document **filed for registry prior to the effective date of this Act. Only to the extent the community documents are silent shall the provisions of this Part apply.**

B.(1) This Part shall not apply to condominium property governed by the provisions of Part II of this Chapter.

(2) The provisions of Part II-A of this Chapter shall be applicable to an ownership timeshare interest created in a lot within a planned community to the extent that those provisions do not conflict with the provisions of this Part.

(3) This Part shall apply to only those associations that are organized for planned communities.

C. This Part shall not impair any right that is guaranteed or protected by the constitution of this state or the United States, nor shall this Part be construed to affect any act done, offense or violation committed, or right accrued.

D. This Part shall not be construed to impair or cast a cloud upon the titles of common areas or lots within a residential planned community.

E. The existence, validity, or extent of a building restriction affecting any association property shall be liberally construed to give effect to its purpose and intent.

F. This Part shall not affect the ownership of common areas or limited common areas in a planned community in existence prior to the effective date of this Act.

G. This Part shall not require an association existing prior to the effective date of this Act to amend or change its organizational structure or its community documents.

H. Nothing in this Part shall require a planned community in existence prior to the effective date of this Act to alter its previously established method of amending community documents or calculating and voting on assessments.

Revision Comments – 2024

This Act applies to newly formed planned communities. This Act is not intended to require existing planned communities to alter their community documents, their method of preparing budgets, or their method of allocating assessments. This Act applies to existing planned communities only if, and to the extent that, their community documents fail to address matters covered by this Act. Existing planned communities may nevertheless amend their community documents to conform with the provisions of this Act.

SUBPART B. BUILDING RESTRICTIONS CREATION, AMENDMENT, AND TERMINATION

§1141.4. Building restrictions; matters of interpretation

The existence, validity, or extent of a building restriction affecting any association property shall be liberally construed to give effect to its purpose and intent.

§1141.5. Building restrictions; generally, affirmative duty, and common areas

A. Building restrictions affecting the building standards, specified uses, or improvements of association property may be established, amended, or terminated in accordance with the provisions of this Part.

B. Such building restrictions may include the imposition of an affirmative duty, including the affirmative duty to pay monthly or periodic dues or fees, or assessments for a particular expense or capital improvement, that are reasonable for the maintenance, improvement, or safety, or any combination thereof, of the planned community.

C. Such building restrictions may also regulate the building standards, specified uses, and improvements of common areas of a homeowners association, including but not limited to the regulation of passage, ingress, and egress upon common areas, streets, and street rights-of-way.

§1141.6. Establishment, amendment, or termination of building restrictions

A. Building restrictions affecting association property, including lots or common areas, or those imposing an affirmative duty may be established, amended, or terminated in accordance with the terms of the applicable community document.

B. In the absence of a provision for the establishment, amendment, or termination of such building restrictions in the community documents:

(1) Building restrictions may be established by agreement of three-fourths of the lot owners.

(2) Existing building restrictions may be made more onerous or increased by agreement of two-thirds of the lot owners.

(3) Existing building restrictions may be made less onerous, reduced, or

terminated by agreement of more than one-half of the lot owners.

~~C.(1) Once established, or amended to be more onerous, building restrictions become a charge on the property and affect all current owners and, once recorded in the public records, affect all subsequent owners. Except for building restrictions relating to assessments or common areas, no new or more onerous building restriction shall impose a duty on the current owner to act affirmatively or remove or renovate any existing structure. All new or replacement structures, however, shall be subject to the new or more onerous building restriction.~~

~~(2) Once amended to be less onerous, the building restriction constitutes a reduction of the charge on the property, and once terminated, the property is released of its former charge, affecting all current and subsequent owners.~~

~~D.(1) When building restrictions are established under the provisions of Subsection B of this Section, rather than by the community documents, an owner may file with the association and the clerk of court a statement declining to be covered by the building restrictions. Such document must be filed within thirty days of the establishment of such building restrictions.~~

~~(2) When building restrictions relative to setbacks or minimum square footage requirements are established or made more onerous under the provisions of Subsection B of this Section, rather than the community documents, the owner of an unimproved lot is exempt from complying with such new or more onerous restrictions.~~

~~(3) An "owner" under the provisions of this Subsection means the owner or owners at the time the restriction was established or made more onerous and the waivers of compliance provided in this Subsection are personal to that owner.~~

~~§1141.7. Agreement of owners; voting~~

~~A. Each lot represents a single vote which can be exercised by the signature or other indication of the registered lot owner or of a single co-owner, the latter of which is presumed to be acting on behalf of the other co-owners. A plot or parcel of unimproved land which is substantially larger than a majority of other lots in the association, however, shall be treated as separate lots, the number of which to be roughly determined by the size of the land in relation to other lots. The ownership interest in common areas, streets, or street rights-of-way does not constitute a voting interest.~~

~~B. For purposes of this Subpart, an agreement of lot owners may be obtained by any of the following methods, or a combination thereof:~~

~~(1) By a written ballot that states the substance of the issue before the owners and specifies the date by which the return ballot must be received to be counted. The ballot shall be accompanied by the full text of the building restriction being established, amended, or terminated and shall be mailed to the owner by certified mail not less than thirty days prior to the date by which the return ballot must be received.~~

~~(2) At a meeting of the owners if written notice of the meeting stating the purpose of the meeting is delivered to each lot owner. The notice shall be accompanied by an agenda of the meeting and the full text of the building restriction being established, amended, or terminated. Such notice shall be mailed to the owner, by certified mail, not less than thirty days prior to the date of the meeting.~~

~~§1141.4. Creation, alteration, and termination of a planned community~~

~~A. A planned community is established by the execution of a declaration by all owners of the immovable property to be affected or by the lessee in the case of a leasehold planned community. The declaration shall be effective when filed for registry in the conveyance records of each parish in which any portion of the immovable property is situated.~~

~~B. All provisions of the declaration are severable. The effectiveness of the declaration is not affected by an insubstantial failure of the declaration to comply with this Part.~~

~~C. If a conflict exists between the declaration and any other community document, the declaration shall prevail.~~

~~D.(1)(a) The recorder shall index the initial declaration and plat in the conveyance records in the names of the declarant, the planned community, each owner of the immovable property subject to the declaration, and the association.~~

~~(b) The recorder shall index an amendment to the declaration or the plat or a termination of the declaration in the index of the conveyance records in the names of the declarant, the planned community, and the association. If an amendment relocates the boundary of a lot, incorporates common areas into a lot, adds additional property, or withdraws a lot from the community, the recorder shall also index the amendment in the name of each owner of each lot affected by the amendment.~~

~~(c) An indexing error shall not impair the effect of recordation of the document.~~

~~(2) The grant of a security right by the association shall comply with registry requirements of law, including filings in accordance with the Uniform Commercial Code - Secured Transactions.~~

~~§1141.5. Contents of the declaration~~

~~A. The declaration shall contain all of the following:~~

~~(1) A statement submitting the immovable property to a planned community.~~

~~(2) The name by which the planned community is to be identified, which shall include the phrase "planned community" or be followed by the words "a planned community".~~

~~(3) A complete property description of all of the immovable property within the planned community.~~

~~(4) An identification of each lot by letter, name, or number, or a combination thereof, so that no lot bears the same identification as any other lot.~~

~~(5) A written description and plat, meeting the requirements of R.S. 9:1141.9, delineating the precise boundaries of each lot and designating any common~~

~~areas and limited common areas appurtenant thereto.~~

~~(6) The manner of allocating common expense liabilities, common surpluses, and voting interest in the association, in accordance with R.S. 9:1141.6.~~

~~(7) A description of any development right or other special declarant right reserved by the declarant, a complete property description of any immovable property within the planned community to which each right applies, a general schematic map of any immovable property that may be added to the planned community pursuant to a development right, and the term within which the rights may be exercised.~~

~~(8) All matters required by R.S. 9:1141.6 in the event the declarant reserves the right to change the allocations to lots of common expense liabilities, common surpluses, and voting interest in the association.~~

~~(9) The name of the association formed in accordance with R.S. 9:1141.19.~~

~~(10) The rights and responsibilities for the maintenance and repair of association property and for the maintenance, repair, and replacement of any improvements thereon.~~

~~(11) Any building restrictions and servitudes affecting the association property.~~

~~(12) Identification of lots as intended for residential or nonresidential use.~~

~~(13) The name of all natural persons who control the declarant, if the declarant is not a natural person.~~

~~B. The declaration may contain any of the following:~~

~~(1) The purpose for which the association property is intended.~~

~~(2) Procedures whereby a lot owner may transfer his lot to the association and thereby release himself from any further obligation for common expense liabilities.~~

~~(3) The method of amendment of the declaration, subject to the limitations provided in R.S. 9:1141.14.~~

~~(4) The method for making assessments and the procedure for collecting from the lot owners their respective assessments.~~

~~C. When additional immovable property is added to the planned community, an amendment to the declaration shall be executed and filed for registry and indexed in accordance with R.S. 9:1141.4(D). The amendment shall be effective when filed for registry in the conveyance records of the parish in which the additional immovable property is situated.~~

~~D. The community documents of a planned community restricted to a residential use shall not:~~

~~(1) Reduce the voting interest required in R.S. 9:1141.14.~~

~~(2) Vary any requirement, procedure, or other provision of this Part pertaining to the mandatory requirements of the declaration in accordance with this Section or the provisions of Subpart D of this Part.~~

~~§1141.6. Allocation of common expense liabilities, common surpluses, and voting interest in the association~~

~~A. The declaration shall allocate to each lot a fraction or percentage of the common expense liabilities, common surpluses, and voting interest in the association and shall state the formulas or methods used to establish the allocations.~~

~~B. If lots may be added to or withdrawn from the planned community, or if boundaries between adjoining lots may be relocated, the declaration shall state the formulas or methods to be used to reallocate the common expense liabilities, common surpluses, and voting interest in the association among all lots included in the planned community after the addition, withdrawal, or relocation.~~

~~C.(1) The declaration may provide for the following:~~

~~(a) Different allocations to lots of voting interest on particular matters specified in the declaration.~~

~~(b) Cumulative voting only for electing directors.~~

~~(c) Class voting on specified issues affecting the class if necessary to protect valid interests of the class.~~

~~(2) A declarant may not utilize cumulative or class voting to avoid any limitation imposed on declarants by this Part, nor may lots constitute a class because they are owned by a declarant.~~

~~D. Except for minor variations due to rounding, the sum of the common expense liabilities, common surpluses, or voting interest in the association allocated at any time to all of the lots shall equal one if stated as a fraction or one hundred percent if stated as a percentage.~~

~~E. The transfer, encumbrance, judicial sale, or other voluntary or involuntary transfer of an ownership interest in a lot includes membership in the association and any other rights in the association appurtenant to that lot.~~

~~F. Nothing in this Section shall require a planned community in existence prior to the effective date of this Act to amend its method of calculating or allocating assessments.~~

~~§1141.7. Exercise of development rights~~

~~A. To exercise any development right reserved in R.S. 9:1141.5(A)(7), the declarant shall prepare, execute, and file for registry an amendment to the declaration in accordance with R.S. 9:1141.4(D). The amendment to the declaration shall assign an identifying number to each new lot created, and, except in the case of subdivision or conversion of lots described in Subsection D of this Section, reallocate the common expense liabilities, common surpluses, and voting interest in the association among all lots. The amendment shall describe any common areas and any limited common areas created and, in the case of limited common areas, designate the lots by letter, name, or number, or a combination thereof to which each is appurtenant.~~

~~B. Development rights may be reserved within any immovable property added to the planned community if the amendment adding that immovable property includes or incorporates by reference all matters required by R.S. 9:1141.5.~~

C. Development rights to add additional immovable property may be exercised only within seven years after the date of the filing of the initial declaration. The submission of an application for approval of a plat of subdivision pursuant to R.S. 33:113 shall suspend the running of the seven-year period, except that the suspension is considered never to have occurred if the application is denied and any appeal period has expired, or if the declarant voluntarily withdraws or abandons the application or a plat of subdivision that is the subject of the application prior to filing the plat for registry. If a plat is approved, the seven-year period shall be interrupted and shall commence to run anew on the date on which the plat of subdivision is filed for registry. This Section does not extend the term for the exercise of development rights imposed by the declaration pursuant to R.S. 9:1141.5(A)(7).

D. When a declarant exercises a development right to subdivide or convert a lot previously created into additional lots, common areas, limited common areas, or any combination thereof, the following apply:

(1) If the declarant converts the lot entirely to a common area or limited common area, the amendment to the declaration shall reallocate all of the common expense liabilities, common surpluses, and voting interest in the association of that lot among the other lots by the same method provided in R.S. 9:1141.6, or as otherwise provided in the community documents.

(2) If the declarant subdivides the lot into two or more lots or if the declarant combines two or more lots into a single lot, regardless of whether any part of the lot is converted into a common area or a limited common area, the amendment to the declaration shall reallocate all of the common expense liabilities, common surpluses, and voting interest in the association of the lot among the lots created by the subdivision in the manner prescribed in the declaration.

E. If, pursuant to R.S. 9:1141.5(A)(7), the declaration provides that all or any portion of the immovable property within the planned community is subject to a right of withdrawal by the declarant, none of the immovable property may be withdrawn after a lot has been transferred to an unrelated purchaser except upon a supermajority vote of the association. A declarant may not withdraw all or any portion of immovable property that has been transferred to the association.

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If the association owns the immovable property sought to be withdrawn, R.S. 9:1141.15 applies.

§1141.8. Limited common areas

A. The declaration shall specify to which lot each limited common area is allocated. An allocation may not be altered without the consent of all of the lot owners whose lots are directly affected.

B. A limited common area may be reallocated upon request to the board of directors by all of the lot owners between or among whose lots the reallocation is to be made. When a request is made, an amendment to the declaration containing the name of the requesting lot owners shall be executed by an authorized officer or agent of the association and shall be filed for registry in accordance with R.S. 9:1141.4(D). Any expenses incurred by the association in accordance with this Section shall be borne by the requesting lot owners.

§1141.9. Plats

A. Each plat shall be clear and legible and shall show all of the following:

(1) The name and a survey of the entire planned community, including the designation of all lots, common areas, and limited common areas.

(2) The extent of any encroachments by or upon any portion of the planned community.

(3) A depiction of all servitudes benefiting or burdening any portion of the planned community, to the extent plottable.

(4) In the case of a leasehold planned community, a complete property description of all immovable property subject to a lease.

(5) The distance between noncontiguous parcels of immovable property comprising the planned community.

(6) All other matters required by R.S. 33:5051.

B. Upon exercising any development right to add immovable property to the planned community, the declarant shall file for registry, in accordance with R.S. 9:1141.4(D), a new plat of the additional immovable property conforming to the requirements of Subsection A of this Section.

C. The ownership interest of the declarant in the common areas and limited common areas is transferred to the association when the declaration and plat have been filed for registry and the incorporation of the association has occurred.

D. Each plat shall be made by a professional land surveyor.

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Upon the filing of the declaration and plat and the incorporation of the association, the transfer of ownership of the common areas occurs by operation of law without the necessity of filing a separate act translative of ownership in the public records. The rules set forth in Subpart D of this Part determine the transferor's warranties of ownership and condition of the common areas.

§1141.10. Relocation of lot boundaries

A. The boundaries between adjoining lots may be relocated upon the request of the lot owners of the affected lots if the relocation does not alter the size of a lot by more than ten percent.

B. Boundaries between lots and common areas may be relocated to incorporate common areas into a lot upon the request of the affected lot owner and with the approval of a supermajority vote.

C. Upon the request and approval as provided in Subsections A and B of this Section, an amendment to the declaration shall be executed by an authorized officer or agent of the association and filed for registry in accordance with R.S.

9:1141.4(D). In addition, the requesting lot owners and officer or agent of the association shall execute an act translative of ownership, and if applicable, an amended plat. Any expenses incurred by the association in accordance with this Section shall be borne by the requesting lot owners.

§1141.11. Subdivision of lots

A. A lot may be subdivided into two or more lots upon the request of the lot owner and with the approval of a supermajority vote.

B. Upon approval of the subdivision, an amendment to the declaration shall include the plat subdividing that lot; assign an identifying letter, name, or number to each lot created; and reallocate to each lot created, in any reasonable manner prescribed by the association or on any other basis the declaration requires, the common expense liabilities, common surpluses, and voting interest in the association formerly allocated to the subdivided lot.

C. The amendment to the declaration shall be executed by an authorized officer or agent of the association and filed for registry in accordance with R.S. 9:1141.4(D). Any expenses incurred by the association in accordance with this Section shall be borne by the requesting lot owner.

§1141.12. Use for sales purposes

Subject to other provisions of law and local ordinances, a declarant may maintain sales offices, management offices, and models on lots that the declarant owns and may erect signs advertising the planned community on the common areas.

§1141.13. Servitude and use rights

A. A declarant has a personal servitude of right of use on and through the common areas as may be reasonably necessary for the purpose of discharging obligations or exercising special declarant rights, whether in accordance with this Part or reserved in the declaration.

B. Lot owners have a right to use, for the purposes for which they were intended, all common areas and all immovable property that shall become common areas, other than limited common areas.

§1141.14. Amendment to declaration; community documents; use restrictions

A. Except as otherwise provided in this Section or R.S. 9:1141.7, the declaration may be amended only by the vote requirement provided in the declaration. If a voting requirement is not provided in the declaration, the declaration may be amended by a majority vote, except as required in Subsection B or C of this Section.

B. Approval by a supermajority vote is required to amend the declaration to create or increase special declarant rights; increase the number of lots not otherwise reserved or permitted by the community documents; change the allocation of common expense liabilities, common surpluses, or voting interest in the association for a lot; extend the time limitations specified in R.S. 9:1141.7(C); or create additional development rights.

C.(1) The declaration may be amended only by a supermajority vote, or any greater vote required by the community documents, to do any of the following:

(a) Prohibit or materially restrict the uses of a lot or the number or other qualifications of persons who may occupy a lot.

(b) Impose more burdensome restrictions, except as provided in Paragraph (6) of this Subsection.

(2) An existing occupancy or use of a lot shall not be prohibited by an amendment to the community documents if that occupancy or use has commenced prior to the filing of the amendment for registry, except as provided in Paragraph (3) of this Subsection.

(3) If an existing occupancy or use has ceased for twelve consecutive months after the date the amendment is filed for registry, and the period is not extended as provided in Paragraph (4) of this Subsection, the lot shall become subject to the prohibition on the existing occupancy or use contained in the amended declaration.

(4) A lot owner may submit a request to the board of directors to extend the time period in Paragraph (3) of this Subsection when an existing occupancy or use is discontinued due to a fortuitous event. The board of directors shall grant or deny the request using reasonable discretion.

(5) A use restriction establishing or increasing the minimum term for the lease of a lot or prohibiting the rental of less than the entirety of the lot shall be considered a more burdensome restriction.

(6) Unless a greater percentage is required in the community documents, an association may adopt by two-thirds vote more burdensome restrictions governing construction, design criteria, and aesthetic standards, subject to the following limitations:

(a) No more burdensome restriction governing construction, design criteria, aesthetic standards, set backs, or square footage requirements shall impose a duty on a lot owner to act affirmatively or remove or renovate any existing improvements, but more burdensome standards shall apply to new exterior renovations, repairs, or reconstructions as provided in Subparagraph (b) of this Paragraph.

(b) Only those new exterior renovations, repairs, or reconstructions that increase the value of the improvements on the lot by more than forty percent are required to comply with the more burdensome construction, design criteria, and aesthetic standards. Unless the lot owner agrees in writing to comply with the more burdensome standards, the lot owner shall submit to the association, prior to the start of renovation, repair, or reconstruction, an estimate of the increase in value of the improvements as determined by a qualified appraiser.

D. A provision in the declaration modifying special declarant rights that have not expired may not be amended without the consent of the declarant.

E. If any provision of the declaration requires the consent of a holder of a security right in a lot as a condition to the effectiveness of an amendment to the declaration, and the declaration does not otherwise provide the method for

obtaining consent, consent is deemed granted if a record refusing consent is not received by the association within sixty days after the association delivers notice of the proposed amendment to the holder of the security right at an address for notice provided by the holder. If the holder of the security right has not provided to the association an address for notice, the association shall provide notice to the address of the holder stated in the recorded security right.

F. Amendments to the declaration adopted pursuant to this Section shall be prepared, executed, and filed for registry on behalf of the association by an authorized officer or agent of the association in accordance with R.S. 9:1141.4(D). Any amendment shall contain a certification that the minimum voting requirements have been met.

G. An action to challenge the validity of an amendment adopted in accordance with this Section shall be brought within a peremptive period of one year from the date the amendment is filed for registry.

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This Act seeks to protect purchasers who acquired a lot in reliance on the community documents in effect at the time of acquisition of the lot, provided an active use has been made of the lot. A lot purchaser is required to comply with amendments to the community documents if an active use has not commenced, or if a previously active use has ceased for twelve months, subject to the rules of fortuitous events.

§1141.15. Termination of the planned community

A. A planned community may be terminated only by a two-thirds vote, or any greater percentage that the declaration specifies, and with any other approvals required by the declaration.

B. A termination agreement shall be prepared and executed on behalf of the association by an authorized officer or agent of the association and filed for registry in accordance with R.S. 9:1141.4(D). A termination agreement shall contain a certification that the minimum voting requirements have been met.

C. If a termination agreement provides for the transfer of ownership of all or a portion of the common areas and limited common areas, the association, on behalf of the lot owners, may contract for the transfer of ownership of common areas and limited common areas, but the contract is not binding on the lot owners until the termination agreement is approved and filed for registry pursuant to this Section. As long as the association owns the common areas and limited common areas, the lot owners and their successors continue to have the right to use and enjoy the areas in accordance with their intended purpose and remain liable for all assessments and other obligations imposed on lot owners by this Part or the declaration.

D. The existence of the association is not affected by the termination agreement. Until the common areas and limited common areas within the planned community are transferred following termination, ownership of the common areas and limited common areas remains with the association.

E. Following termination of the planned community, the proceeds from any transfers of ownership of common areas, limited common areas, and other property of the association shall be paid to the association for the benefit of the lot owners and holders of security rights in the property, as their interests may appear. Proceeds available to lot owners and holders of security rights in lots shall be distributed in accordance with R.S. 9:1141.6.

Revision Comments – 2024

(a) Termination of a planned community requires the support of two-thirds of the votes in the association, or such greater percentage as the community documents may require.

(b) Title to common areas is vested in the association. The association is a separate legal entity. The termination of the planned community does not serve to terminate the association. Rather, the association is terminated and liquidated in accordance with the Nonprofit Corporation Law, R.S. 12:201 et seq.

(c) This Section is intended to apply to a complete termination of a planned community. A termination affecting only a portion of the community is governed by the rules applicable to the withdrawal of a lot or common area. See R.S. 9:1141.6, 1141.7, and 1141.29.

§1141.16. Rights of secured parties

A. The declaration may require that specified actions of the lot owners or the association shall be approved by creditors who hold security rights in the lots or who have extended credit to the association, but no requirement for approval may operate to do any of the following:

(1) Deny or delegate control over the general administrative affairs of the association by the lot owners or the board of directors.

(2) Control the establishment or imposition of assessments except as provided in Subsection C of this Section.

(3) Prevent the association or the board of directors from commencing, intervening in, or settling any litigation or proceeding.

(4) Prevent the association from receiving and distributing any insurance proceeds to make necessary repairs as a result of a casualty.

B. A lender who has extended credit to an association secured by a security right to the income of the association or a security right in the common areas or limited common areas may enforce the security right in accordance with its terms, subject to the requirements of this Part or other provisions of law. Requirements that the association deposit with the lender the association's periodic income in which the lender holds a security right do not violate Subsection A of this Section.

C. If approved by an association in accordance with R.S. 9:1141.28, the holder of a security right may require that assessments shall not be decreased without its approval.

§1141.17. Master associations

A. If any of the powers in R.S. 9:1141.20 are to be exercised by or delegated to a corporation that exercises powers on behalf of planned communities or for the benefit of the lot owners, all provisions of this Part applicable to lot owners' associations shall apply to the corporation, except as provided by this Section.

B. Unless it is acting in the capacity of an association as provided in R.S. 9:1141.19, a master association may exercise the powers provided in R.S. 9:1141.20(A)(2) only to the extent expressly permitted in the declaration of the planned community that is part of the master association or expressly described in the delegation of power to the master association.

C. If the declaration of any planned community provides that the board of directors may delegate powers to a master association, the directors have no liability for the acts or omissions of the master association following delegation.

D. The rights and responsibilities of lot owners with respect to the association as provided in R.S. 9:1141.21, 1141.26, 1141.27, 1141.28, and 1141.29 apply in the conduct of the affairs of a master association only to those persons who elect the board of directors of a master association, regardless of whether those persons are otherwise lot owners.

E. Even if a master association is also an association as provided in R.S. 9:1141.19, the articles of incorporation or other instrument creating the master association and the declaration of each planned community, the powers of which are assigned by the declaration or delegated to the master association, shall provide that the board of directors of the master association shall be elected after the period of declarant control in any of the following ways:

(1) All lot owners of each planned community subject to the master association may elect all directors of the master association.

(2) All directors of each planned community subject to the master association may elect all directors of the master association.

(3) All lot owners of each planned community subject to the master association may elect specified directors of the master association.

(4) All directors of each planned community subject to the master association may elect specified directors of the master association.

§1141.18. Combining planned communities

A. Any two or more planned communities may be combined into a single planned community upon approval by the lot owners in each planned community by the same vote required to terminate that planned community. If the planned communities to be combined are managed by more than one association, the associations shall be combined into one association in accordance with the applicable provisions of law.

B. The agreement to combine shall not be effective until it is filed for registry in accordance with R.S. 9:1141.4(D) in every parish in which a portion of the combined planned community is situated and, if associations are combining, until the articles of merger or consolidation of the associations are filed with the secretary of state.

C. Every agreement to combine shall provide for the reallocation of common expense liabilities, common surpluses, and voting interest to each lot by either stating the reallocations or the formulas upon which they are based or stating the percentage allocated to all of the lots comprising each of the preexisting planned communities.

SUBPART C. ENFORCEMENT MANAGEMENT OF THE PLANNED COMMUNITY

§1141.8. Community documents; force of law

~~The community documents of residential planned communities shall have the force of law between the homeowners association and the individual lot owners and as between individual lot owners. The remedies for breach of any obligation imposed on lot owners or the association shall include damages, injunctions, or such other remedies as are provided by law.~~

§1141.9. Homeowners association privilege

~~In addition to any other remedies provided by law or by the community documents for nonpayment of assessments, a homeowners association as defined in this Part may utilize the provisions of Part III of this Chapter establishing a privilege on lots of delinquent owners for nonpayment of assessments.~~

§1141.19. Organization of lot owners association

A lot owners association shall be organized as a nonprofit corporation authorized to do business in Louisiana and shall have the authority to impose assessments on its members. The membership of the association at all times consists exclusively of all lot owners or, following termination of the planned community, of all former lot owners entitled to distributions of proceeds in accordance with R.S. 9:1141.15 or their heirs, successors, or assigns. The association shall have a board of directors. The association shall be formed prior to filing the declaration for registry.

§1141.20. Powers and duties of the lot owners association

A.(1) Except as otherwise provided in this Part, the association shall do the following:

(a) Adopt bylaws.

(b) Adopt budgets as provided in R.S. 9:1141.34.

(c) Establish reasonable procedures for addressing and resolving written complaints from lot owners. The procedures may include any of the following:

(i) A sample form for lodging the written complaint.

(ii) A description of the manner in which complaints are to be delivered to the association.

(iii) Written acknowledgement of receipt of the complaint.

(iv) The inclusion of specific related documentation including the applicable law or regulation.

(v) The requested action or resolution.

(vi) The manner in which additional information may be requested.

- (vii) The time period for responding.
- (viii) Disposition of the complaint for lack of information.
- (ix) Notice of the date, time, and location the complaint will be considered.
- (x) Written notice of the final determination.
- (xi) Contents of the final determination including the date of issuance and any applicable citations, laws, or regulations.

(2) Except as otherwise provided in this Part, the association may do the following:

- (a) Amend bylaws and adopt and amend rules.
- (b) Amend budgets, collect assessments for common expenses from lot owners, and invest funds of the association.
- (c) Hire and discharge managing agents and other employees, agents, and independent contractors.
- (d) Institute, defend, or intervene in litigation or in arbitration, mediation, or administrative proceedings in its own name on behalf of itself or any lot owner or occupant on matters affecting the common interest of the planned community.
- (e) Enter into contracts and incur liabilities.
- (f) Regulate the use, maintenance, repair, replacement, and modification of common areas.
- (g) Cause additional improvements to be made as a part of the common areas.
- (h) Acquire, hold, encumber, and transfer in its own name any right, title, or interest to immovable or movable property, whether corporeal or incorporeal, but common areas may be transferred or subjected to a security right only pursuant to R.S. 9:1141.29.
- (i) Grant servitudes, leases, and licenses through or over the common areas.
- (j) Impose and receive any payments, fees, or charges for the use, rental, or operation of the common areas and for services provided to lot owners or occupants.
- (k) Impose charges, including interest and attorney fees, against lot owners for late payment of assessments.
- (l) Impose reasonable fines, including interest and attorney fees, against lot owners and occupants for violations of the community documents in accordance with Part III of this Chapter.
- (m) Impose reasonable charges, including interest and attorney fees, for the preparation and recordation of amendments to the declaration or statements of privilege.
- (n) Provide for the indemnification of its officers and board of directors and maintain directors and officers liability insurance.
- (o) Exercise any other powers conferred by the community documents.
- (p) Exercise any other powers that may be exercised by organizations of the same type.

(q) In addition to the rights of the association provided in R.S. 9:1141.32, suspend any right or privilege of a lot owner or occupant who fails to pay an assessment or who violates any provision of the community documents, provided that the association shall not do either of the following:

- (i) Deny a lot owner access to the lot owner's lot.
- (ii) Withhold services provided by the association to a lot, a lot owner, or an occupant if the effect of withholding the service would endanger the health, safety, or property of any person.

B. An association may require that an occupant execute and file with the association a lease or other occupancy agreement containing mandatory language for the benefit of the association. Any occupant who fails to comply with the provisions of this Subsection may be denied access to a lot.

C. If an occupant violates the provisions of the community documents, the association may, in addition to exercising any of its powers against the lot owner, enforce against the occupant mandatory provisions required to be contained in the lease or other occupancy agreement.

D. The association may determine whether to take enforcement action by imposing sanctions or commencing an action for a violation of the provisions of the community documents, including whether to compromise any claim for unpaid assessments or other claim made by or against the association or to seek eviction consistent with Part III of this Chapter.

E. The association has discretion in pursuing or declining enforcement depending on each set of circumstances.

F. The association shall not be arbitrary or capricious in its decision to pursue or decline enforcement in accordance with Subsections D and E of this Section.

G. The board of directors shall establish a reasonable method for lot owners and occupants to communicate, which may include by electronic transmission, with the board of directors on matters concerning the association.

H. In the event that the community documents fail to provide for a certain action or procedure, the general provisions of this Part and of the Nonprofit Corporation Law, R.S. 12:201 et seq., shall govern.

§1141.21. Board of directors and officers of the association

A. The board of directors shall consist of at least three natural persons, each of whom shall be a lot owner or a representative of a lot owner if the lot is owned by a juridical person. If the planned community consists of fewer than three lots, the board of directors shall consist of the same number of persons as there are lots. Except as otherwise provided in R.S. 9:1141.17(E), a special meeting of the association shall be held for the purpose of electing the board of directors at least thirty days prior to the termination of the period of declarant control. The meeting notice shall be given, in accordance with R.S. 9:1141.38, no more than sixty days and no fewer than thirty days before the date of the meeting. If a quorum is not present at the meeting, then it may be adjourned and reconvened by the association at the place and time declared at the meeting, at which time those lot owners who are present shall constitute a quorum for

purposes of electing the board of directors. Unless the community documents provide for the election of officers by the lot owners, the board of directors shall be entitled to elect the officers. The directors and officers shall take office upon the termination of the period of declarant control.

B. Directors of the board of directors and officers of the association shall exercise the degree of care and loyalty required of a director or officer and are subject to the conflict of interest rules and limitations of liability governing directors and officers in accordance with the Nonprofit Corporation Law, R.S. 12:201 et seq. Nevertheless, no director or officer shall be liable to the association or its members for money damages for any action taken, or any failure to act, as a director or officer, except as provided in R.S. 9:2792.7 or as otherwise provided by law.

C. The protection against liability of a director or officer for conduct described in Subsection B of this Section may be modified in the community documents. The association may purchase insurance against liability as provided in R.S. 12:1-857.

D. The board of directors shall not do any of the following:

- (1) Amend the declaration.
- (2) Amend the bylaws.
- (3) Terminate the planned community.
- (4) Elect directors, but the board of directors may fill vacancies in its membership for the unexpired portion of any term or, if earlier, until the next regularly scheduled election of directors.
- (5) Determine the qualifications, powers, duties, or terms of office of directors.
- (6) Impose any rules or regulations inconsistent with the declaration.

E. The board of directors shall propose a budget to be approved in accordance with R.S. 9:1141.34.

§1141.22. Declarant control of the association

A. The declaration may provide for a period of declarant control of the association, during which a declarant, or persons designated by the declarant, may appoint and remove the officers and directors. A declarant may voluntarily surrender the right to appoint and remove officers and directors before the period ends. In that event, the declarant may require, during the remainder of the period, that specified actions of the association or board of directors as described in a recorded instrument executed by the declarant be approved by the declarant before becoming effective.

B. Regardless of the period provided in the declaration, a period of declarant control terminates as follows:

- (1) If the right to add additional immovable property to the planned community was not reserved in the declaration, one hundred twenty days after the date that seventy-five percent of the total number of lots in the planned community are transferred to unrelated purchasers.
- (2) If the right to add additional immovable property to the planned community was reserved in the declaration, upon the expiration of the time period provided in R.S. 9:1141.7(C), as that period may be extended by the declarant's timely exercise of the right to add additional immovable property.

C. Notwithstanding the provisions of this Section, in no event shall the period of declarant control of a master association terminate until all periods of declarant control for all planned communities subject to the master association have terminated.

§1141.23. Transfer of special declarant rights

A. Special declarant rights may be transferred only by an instrument evidencing the transfer recorded in every parish in which any portion of the planned community is situated. Upon transfer of special declarant rights, the transferor is not relieved of any obligation or liability arising before the transfer. A transferor has no liability for any act or omission of, or any breach of a contractual obligation arising from the exercise of a special declarant right by, a successor declarant.

B. In the event of partial transfer of special declarant rights, except in the event of a collateral assignment pursuant to the granting of a security interest, those special declarant rights not transferred terminate on the effective date of the transfer. The transferee of partial rights is responsible for only those obligations related to the special declarant rights that are transferred. A collateral assignment pursuant to the granting of a security interest is not a transfer until the secured party exercises its right to seize the rights in accordance with law.

C. A person who succeeds to special declarant rights is subject to the obligations and liabilities imposed by this Part or the community documents with respect to those special declarant rights transferred, except for any of the following:

- (1) Misrepresentations by a previous declarant.
- (2) Breach of any fiduciary obligation owed to the board of directors by a previous declarant or his appointees.
- (3) Any liability or obligation imposed on the transferor as a result of his acts or omissions after the transfer.

D. Nothing in this Section subjects any successor to a special declarant right to any claims against or other obligations of a transferor declarant, other than claims and obligations in accordance with this Part or the community documents.

§1141.24. Termination of contracts

A. During the first two years after the board of directors elected by the lot owners pursuant to R.S. 9:1141.22(C) takes office, the following contracts entered into by the association may be terminated without penalty, provided that at least ninety days' notice is given to the other party and the contract was entered into before the board of directors took office:

- (1) Any management, maintenance, or employment contract.

(2) Any other contract with the declarant or an affiliate of the declarant that is unconscionable to the lot owners at the time the contract was entered into.

B. The provisions of this Section do not apply to a lease that, if terminated, would terminate the planned community or reduce its size.

C. Nothing in this Section shall impair the ability of the association to rescind or annul a contract in accordance with other provisions of law.

§1141.25. Bylaws

A. The bylaws of the association shall provide for all of the following:

(1) The number of members of the board of directors.

(2) The method of electing a president, treasurer, secretary, and any other officers specified.

(3) The qualifications, powers and duties, terms of office, and manner of electing and removing directors and officers and filling vacancies.

(4) The powers that the board of directors or officers may delegate to other persons or to a managing agent.

(5) The officers who may prepare, execute, certify, and record amendments to the community documents on behalf of the association.

(6) Any provision necessary to satisfy requirements in this Part or the community documents concerning meetings, voting, quorums, and other activities of the association.

B. The bylaws may provide for any other necessary or appropriate matters, including matters that may be adopted as rules, relative to managing the business and regulating the affairs of the association and the planned community.

§1141.26. Meetings

A. The following requirements apply to association meetings:

(1) The association shall hold an annual meeting in accordance with the bylaws. In the absence of a provision in the bylaws, an annual meeting shall be held upon the giving of not more than sixty days' nor less than thirty days' notice in accordance with R.S. 9:1141.38.

(2) The association shall hold a special meeting to address any matter affecting the planned community or the association if its president, a majority of the board of directors, or lot owners having at least twenty percent, or any lower percentage specified in the bylaws, of the voting interest in the association demand that the secretary call a meeting. The secretary shall call the meeting within thirty days after receiving notice of the lot owners' demand. Only matters described in the meeting notice required by Paragraph (3) of this Subsection shall be considered at a special meeting.

(3) The association shall notify lot owners of the time, date, and place of each annual and special meeting not more than sixty days nor fewer than thirty days before the meeting date. Notice may be given by any means provided in R.S. 9:1141.38. The notice shall state the items on the agenda, including the following:

(a) The general nature and text of any proposed amendment to the community documents.

(b) Any budget changes.

(c) Any proposal to remove a director or an officer elected by the association.

(4) The minimum amount of time in which notice shall be given in accordance with Paragraph (3) of this Subsection may be reduced or waived by the board of directors for a meeting called to address an emergency.

(5) At the meeting, lot owners shall be given a reasonable opportunity to comment regarding any matter affecting the planned community or the association.

(6) The community documents may allow for meetings of the association to be conducted by electronic means if the meeting notice states the electronic means to be used.

(7) Meetings of the association shall take place at the planned community or at a place convenient to it.

(8) Except as otherwise provided in the community documents, all meetings of the association shall be conducted in accordance with the most recent edition of Robert's Rules of Order.

B. The following requirements apply to meetings of the board of directors and committees of the association authorized to act for the association:

(1) Meetings shall be open to the lot owners except during executive sessions. The board of directors and committees may hold an executive session only during a regular or special meeting of the board or committee. No final vote or action shall be taken during an executive session. An executive session shall be held only to do the following:

(a) Consult with an attorney concerning legal matters.

(b) Discuss existing or potential litigation, mediation, arbitration, or administrative proceedings.

(c) Discuss labor or personnel matters.

(d) Discuss contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated, including the review of bids or proposals, if premature general knowledge of those matters would place the association at a disadvantage.

(e) Prevent public knowledge of a matter if the board of directors or committee determines that public knowledge would violate the privacy of any person.

(2) For purposes of this Section, a gathering of the board of directors at which the directors do not conduct association business is not a meeting of the board. The board of directors shall not use incidental or social gatherings or any other method to evade the open meeting requirements of this Section.

(3) During the period of declarant control, the board of directors shall meet at least two times per year. At least one of those meetings shall be held at the planned community or at a place convenient to it.

(4) The board of directors shall establish procedural rules to permit participation by a lot owner in the event that the lot owner is directly impacted

by an agenda item or is requested to attend by the board of directors.

(5) Unless the meeting is included in a schedule previously provided to the lot owners or the meeting is called to address an emergency, the secretary or other officer specified in the bylaws shall give notice of each board of directors meeting to each director and to the lot owners. The notice shall be given at least thirty days before the meeting and shall state the time, date, place, and agenda of the meeting.

(6) If any materials are distributed to the board of directors before the meeting, copies of those materials shall be reasonably available to lot owners, including by posting on the association's website, except that the board need not make available copies of unapproved minutes or materials that are to be considered in executive session.

(7) The board of directors may meet by electronic means if the meeting notice states the electronic means to be used.

(8) Except as provided in Paragraph (3) of this Subsection, in lieu of meeting, the board of directors may act by unanimous consent as documented in a record signed by all directors. The secretary shall promptly give notice to all lot owners of any action taken by unanimous consent. After termination of the period of declarant control, the board of directors may act by unanimous consent only to undertake ministerial actions or to implement actions previously taken at a board meeting.

(9) All actions taken by the board of directors that do not comply with this Section are nevertheless deemed valid unless and until set aside by a court. A challenge to the validity of an action of the board of directors for failure to comply with this Section shall not be brought more than sixty days after the minutes of the meeting at which the action was taken are approved or notice of that action is provided to lot owners, whichever is later.

(10) Except as otherwise provided in the community documents, all meetings of the board of directors and the committees of the association shall be conducted in accordance with the most recent edition of Robert's Rules of Order.

§1141.27. Quorum

A. Unless the bylaws provide otherwise, a quorum is present throughout any meeting of the association if lot owners holding twenty percent of the voting interest in the association are present in person or by proxy at the beginning of the meeting, have cast absentee ballots that were solicited in accordance with R.S. 9:1141.28(D)(3) and delivered to the secretary in a timely manner, or are present by any combination thereof.

B. Voting interest allocated to lots owned by the association shall be counted toward a quorum.

C. Unless this Part or the community documents specify a greater number, a quorum of the board of directors is present for purposes of determining the validity of any action taken at a meeting if individuals entitled to cast a majority of the votes on that board are present at the time a vote regarding that action is taken. If a quorum is present when a vote is taken, the affirmative vote of a majority of the directors present is the act of the board of directors unless a greater vote is required by this Part or the community documents.

D. Notwithstanding any other Subsection of this Section and provided that notice is given as required by R.S. 9:1141.38, in the event of an emergency, a quorum is present if lot owners holding at least ten percent of the voting interest are present in person, by proxy, or by electronic means.

§1141.28. Voting; proxies; ballots

A. Directors may not vote by proxy at any meeting of the board of directors or at any committee thereof.

B. Lot owners may vote at a meeting of the association in person, by absentee ballot, by proxy or, when a vote is conducted without a meeting, by electronic transmission or paper ballot.

C. The voting interest allocated to lots owned by the association shall be cast in the same proportion as the votes cast on the matter by lot owners other than the association.

D. At a meeting of the association at which a quorum is present, the following requirements apply:

(1) Lot owners who are present may cast a vote in person by voice, show of hands, standing, or any other method for determining votes, as designated by the association.

(2) Unless a greater number of the votes in the association is required, a majority of the voting interest cast is required for the approval of any action of the association.

(3) A lot owner may vote by absentee ballot without being present at the meeting. The association shall promptly deliver an absentee ballot to a lot owner upon request made at least three days before the scheduled meeting.

(4) Except as provided in Subsection E of this Section, if the name signed on a vote, consent, waiver, ballot, or proxy appointment corresponds to the name of a lot owner as indicated in the records of the association, the association, if acting in good faith, is entitled to accept the vote, consent, waiver, ballot, or proxy appointment and give it full effect as the act of the lot owner.

E. If only one of several owners of a lot owned in indivision votes, that lot owner has the right to cast the voting interest allocated to that lot. If more than one of the lot owners vote, the voting interest allocated to that lot shall be cast only in accordance with the agreement of a majority in interest of the lot owners. There is agreement of a majority in interest if any one of the lot owners casts the voting interest allocated to the lot without any of the other lot owners promptly protesting to the association. In the event that there is disagreement among the owners of a lot as to their interests, the association, acting in good faith, is entitled to rely upon what is evidenced in its records as to that lot. In the event that the records do not indicate the allocation of interests in a lot, the association is entitled to treat the multiple lot owners as having equal shares. If

a lot or an undivided interest in a lot is subject to a usufruct, the usufructuary shall be deemed the owner of that lot or the undivided interest of the lot for purposes of this Section.

F. The following requirements apply to proxy voting:

(1) A lot owner may appoint a proxy to vote or otherwise act by signing a written appointment or by making an electronic transmission. An electronic transmission shall contain or be accompanied by information from which it can be determined that the lot owner authorized the transmission.

(2) The appointment of a proxy is effective when a signed written appointment or an electronic transmission of the appointment is received by the officer or agent of the association authorized to tabulate votes. A proxy is valid only for the meeting for which it is cast and any recessed session of that meeting and is subject to any limitation contained therein.

(3) The appointment of a proxy is revocable.

(4) The revocation of a proxy appointment, the death of the lot owner, or the appointment of a curator for the lot owner appointing a proxy does not affect the right of the association to accept the proxy's authority unless notice of the revocation, death, or appointment of a curator is received by the officer or agent authorized to tabulate votes before the proxy exercises authority pursuant to the appointment.

G. Unless prohibited or limited by the community documents, when an association conducts a vote without a meeting, the following requirements apply:

(1) The association shall notify the lot owners that the vote will be taken by ballot.

(2) The association shall deliver a paper or electronic ballot in accordance with R.S. 9:1141.38.

(3) The ballot shall set forth each proposed action and provide an opportunity to vote for or against each action.

(4) The ballot shall also contain all of the following:

(a) The number of responses needed to meet the quorum requirements.

(b) The voting interest necessary to approve each matter other than the election of directors.

(c) The time and date by which a ballot shall be delivered to the association to be counted, which shall be no fewer than seven days after the date the association delivers the ballot.

(5) After delivery to the association, a ballot is not invalidated by death, disability, or attempted revocation by the person who cast the ballot.

(6) A vote conducted pursuant to this Subsection is valid only if the number of votes cast on an item equals or exceeds the requirement to authorize each proposed action.

H. If the declaration requires that votes on specified matters affecting the planned community be cast by lessees of leased lots rather than by lot owners, this Section applies to lessees as if they were lot owners. Lot owners who lease their lots to other persons may not cast votes on those specified matters.

§1141.29. Transfer or encumbrance of common areas or right to income

A. All or portions of the common areas may be transferred or subjected to a security right by a two-thirds vote or such greater vote required by the declaration. Any limited common area may be transferred or subjected to a security right with the consent of all owners of lots to which any limited common area is allocated. Nevertheless, if all of the lots in a planned community are restricted exclusively to nonresidential uses, the declaration may provide that all or portions of the common areas may be transferred or subjected to a security right by a vote that is less than two-thirds or that limited common areas may be transferred or subjected to a security right upon the consent of fewer than all the owners of lots to which the limited common area is allocated.

B. An agreement to transfer common areas or limited common areas or to subject them to a security right shall be prepared and executed by an authorized officer or agent of the association and shall contain a certification that the minimum voting requirements have been met. The agreement, and all ratifications thereof, shall be filed for registry in accordance with R.S. 9:1141.4(D) and is effective only upon registry. An agreement subjecting property of the association to a security right shall be created and made effective against third persons as required by law.

C. The association, on behalf of the lot owners, may contract to transfer or encumber a right in a planned community, or to grant a security right in the association's right to receive assessments or other income, but the contract is not enforceable against the association until approved pursuant to Subsections A and B of this Section. Thereafter, the association has all powers necessary and appropriate to effect the transfer or encumbrance.

D. Unless the security right is effective and filed for registry prior to the filing of the declaration, neither the transfer or encumbrance of any portion of a common area, nor the foreclosure upon such an encumbrance, shall release that common area from the burdens and restrictions imposed by the declaration. Subject to the rights of a holder of a security right in a common area, proceeds from the sale of the common areas are an asset of the association, but the proceeds from the sale of limited common areas shall be distributed equitably among the owners of the lots to which the limited common areas were allocated. If any common areas are transferred to a creditor pursuant to a giving in payment in accordance with Civil Code Article 2655, the transferee acquires the common areas subject to the burdens and restrictions imposed by the declaration.

E. Proceeds of loans made to the association shall be used only for the purposes approved by the association.

§1141.30. Insurance

A. Commencing not later than the time of the first transfer of a lot to an unrelated purchaser, the association shall maintain, to the extent reasonably

available and subject to reasonable deductibles, commercial general liability insurance, in an amount determined by the board of directors, but not less than any amount specified in the declaration, covering all occurrences commonly insured against for bodily injury, death, and property damage arising out of or in connection with the use, ownership, or maintenance of the common areas. The declaration may require the association to carry any other insurance, and the association may carry any other insurance it considers appropriate to protect the association or the lot owners.

B. If the insurance required in Subsection A of this Section is not reasonably available, the association shall promptly notify all lot owners.

C. The issuance of an insurance policy to the association does not prevent a lot owner from obtaining insurance for the lot owner's own benefit.

§1141.31. Surplus funds

Any surplus funds of the association remaining after payment of or provision for common expenses and any prepayment of reserves shall be paid annually to the lot owners in proportion to their common expense liabilities or credited to the lot owners to reduce their future common expense assessments.

§1141.32. Assessments

A. Until the association authorizes an assessment, the declarant shall pay all common expenses. After the initial assessment has been made by the association, assessments shall be made at least annually, based on a budget adopted by the association. The association shall not incur expenses except for the benefit of the planned community.

B. Except for assessments made in accordance with Subsection C, D, or E of this Section or as otherwise provided in this Part, all common expenses shall be assessed against all of the lots in accordance with the allocations set forth in the declaration pursuant to R.S. 9:1141.6. The owner of a lot shall be personally liable for the payment of all assessments levied against the lot during the period of his ownership. The association may charge late fees and interest on any past due assessment or portion thereof at the rate established by the association, which shall not exceed the rate established in Part III of this Chapter.

C. If the lot owner fails to timely pay the assessments for common areas for a period of three months or more during any eight-month period after the association has provided notice of delinquency, the association may accelerate the assessment on the common areas for a twelve-month period and file a statement of privilege for the accelerated sums. The preservation and enforcement of the privilege shall be governed by Part III of this Chapter.

D. To the extent required by the declaration:

(1) A common expense associated with the maintenance, repair, or replacement of a limited common area shall be assessed against the lots to which that limited common area is allocated equally or in any other proportion the declaration provides.

(2) A common expense benefiting fewer than all of the lots or their owners may be assessed exclusively against the lots or lot owners benefited.

(3) The costs of insurance may be assessed in proportion to risk, and the costs of utilities may be assessed in proportion to usage.

E. If damage to a lot or other part of the planned community or any other common expense is caused by the willful misconduct of any lot owner or occupant, or a guest or invitee of a lot owner, the association may assess that damage or common expense exclusively against that owner's lot, even if the association maintains insurance with respect to that damage or common expense.

F. If common expense liabilities are reallocated, future assessments and any installment thereof not yet due shall be recalculated in accordance with the reallocated common expense liabilities.

§1141.33. Upkeep of the planned community

Except as otherwise provided by the community documents, the association is responsible for maintenance, repair, and replacement of the common areas and limited common areas, and each lot owner is responsible for the maintenance of his lot and the maintenance, repair, and replacement of any improvements located thereon. Each lot owner shall afford to the association, and to its agents or employees, access through his lot that is reasonably necessary for those purposes.

§1141.34. Adoption of budgets; special assessments

A.(1) For planned communities consisting of more than twenty-five lots, the association shall submit, at least annually, a proposed budget for the planned community for consideration by the lot owners at a duly called meeting of the association. Not later than thirty days after adoption of a proposed budget, the board of directors shall provide to all lot owners a summary of the budget, including any reserves, and a statement of the basis on which any reserves are calculated and funded. Simultaneously, the board shall set a date, which shall be no fewer than ten days nor more than sixty days after the summary is provided, for a meeting of the association to consider ratification of the budget. A majority vote, or any greater vote specified in the declaration, is required to ratify the budget. If a proposed budget is not ratified, the budget last ratified at a meeting of the association continues until a subsequent budget is ratified.

(2) Nothing in this Subsection requires a certain format for the annual submission of the proposed budget.

B. The board of directors may propose a special assessment at any time. Except as otherwise provided in Subsection C of this Section, the assessment is effective only if the board of directors follows the procedures for ratification of a budget provided in Subsection A of this Section and the lot owners ratify the proposed assessment at a meeting of the association as provided in Subsection A of this Section.

C. If the board of directors, by a vote of two-thirds of directors present and voting, determines that a special assessment is necessary to respond to an

emergency:

(1) The emergency special assessment becomes effective immediately in accordance with the terms of the vote.

(2) Notice of the emergency special assessment shall be provided promptly to all lot owners.

(3) The board of directors shall spend the emergency special assessment funds only for the purposes described in the vote.

D. If the association has accumulated a surplus from prior years, the budget may propose any of the following:

(1) The refund to the lot owners contributing to the surplus if created by a special assessment.

(2) A reduction of assessments prospectively in the amount of the surplus.

(3) The establishment of a reserve for future repairs, replacements, or operating expenses.

§1141.35. Privileges for sums due to the association; enforcement

A. A privilege in favor of the association shall arise on a lot for any assessment attributable to that lot or any fines imposed against the lot owner.

B. The time period, rank, and method to enforce and preserve a privilege in favor of the association shall be governed by Part III of this Chapter.

§1141.36. Association records

A. An association shall retain all of the following, which may be maintained in an electronic format:

(1) Appropriate accounting records concerning the operation and administration of the association.

(2) Minutes of all meetings of the lot owners and board of directors other than executive sessions, a record of all actions taken by the lot owners or board of directors without a meeting, and a record of all actions taken by a committee in place of the board of directors on behalf of the association.

(3) The names of lot owners in a form that permits preparation of a list of the names of all lot owners and the addresses at which the association communicates with them, in alphabetical order showing the voting interest each lot owner is entitled to cast.

(4) Its original or restated organizational documents and all amendments to them, and all rules currently in effect.

(5) All financial statements and tax returns of the association for the past three years.

(6) A list of the names and addresses of its current directors and officers.

(7) The most recent annual report delivered to the secretary of state.

(8) Financial and other records sufficiently detailed to enable the association to comply with R.S. 9:1141.43(B).

(9) Copies of current contracts to which the association is a party.

(10) Records of board of directors or committee actions to approve or deny any requests for design or architectural changes from lot owners.

(11) Ballots, proxies, and other records related to voting by lot owners for one year after the election, action, or vote to which they relate.

B. Upon receipt of a request for specific records, the association shall make the records available for examination and copying by a lot owner, the lot owner's agent, or persons with a valid contract of sale. An inspection shall occur during reasonable business hours or at a mutually convenient time and location.

C. Records retained by an association may be withheld from inspection and copying to the extent that they concern any of the following:

(1) Personnel and medical records relating to specific individuals.

(2) Contracts and other commercial transactions to purchase or provide goods or services that are currently being negotiated.

(3) Existing or potential litigation or mediation, arbitration, or administrative proceedings.

(4) Communications with the association's attorney that are protected by the attorney-client privilege or the work-product rule.

(5) Information the disclosure of which would violate law.

(6) Records of an executive session of the board of directors.

(7) Individual lot files other than those of the requesting lot owner.

D. An association may charge a reasonable fee for providing copies of any records in accordance with this Section and for supervising the lot owner's inspection.

E. A right to copy records in accordance with this Section includes the right to receive copies by photocopying or other means, including receipt of copies through an electronic transmission, if available, upon request by the lot owner.

F. An association is not obligated to compile or synthesize information.

G. Information provided pursuant to this Section shall not be used for commercial or other improper purposes, and the association may deny access to information if the association has a good faith belief that the information is being requested for such purposes. If an action is filed regarding the production of information, the court may order that the association's expenses be reimbursed upon determining that the information was used for commercial or other improper purposes.

§1141.37. Rules

A. Before adopting, amending, or repealing any rule, the board of directors shall give all lot owners notice of the proposed action and provide the text of the rule or the proposed change and the date on which the board of directors will act after considering comments from lot owners.

B. Following the adoption, amendment, or repeal of a rule, the board of directors shall notify the lot owners of its action and provide a copy of the text of the rule if it is different from that stated in the notice given in accordance with Subsection A of this Section.

C. The board of directors shall establish procedures for the enforcement of standards adopted in accordance with R.S. 9:1141.14(C) and for approval of

construction applications, including a reasonable time within which the board of directors shall act after an application is submitted and the consequences of its failure to act.

D. A rule regulating display of the flag of the United States shall be consistent with federal law.

E. The board of directors may adopt rules that affect the use of or behavior on lots that may be used for residential purposes only to implement a provision of the declaration or to regulate any behavior in or occupancy of a lot that violates the declaration or adversely affects the use and enjoyment of other lots or the common areas by other lot owners.

F. Every rule adopted pursuant to this Section is required to be reasonable.

§1141.38. Notice to lot owners

A. An association shall deliver any notice required pursuant to this Part by any of the following methods:

(1) United States mail postage paid, or commercial courier as defined in Code of Civil Procedure Article 1313(D), to the mailing address designated by the lot owner.

(2) Electronic mail to the address designated by the lot owner.

(3) Hand delivery to the physical location of each lot, if neither a mailing address nor an electronic mail address has been designated by the lot owner.

(4) United States mail postage paid, or commercial courier as defined in Code of Civil Procedure Article 1313(D), to the mailing address of each lot.

(5) Any other method reasonably calculated to provide notice to the lot owner.

B. The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

C. In the event of an emergency, notice may be given by any method that the association deems appropriate to provide reasonable notice to the lot owners, regardless of the provisions of Subsection A of this Section. The notice shall state the nature of the emergency.

§1141.39. Removal of directors and officers

A. Notwithstanding any provision of the community documents to the contrary, lot owners at any meeting of the association at which a quorum is present and for which notice of removal was given may by majority vote remove any director of the board of directors and any officer of the association elected by the lot owners, with or without cause. However, a director appointed by the declarant may not be removed during the period of declarant control.

B. At any meeting at which a vote to remove a director or an officer is to be taken, the director or officer being considered for removal shall have a reasonable opportunity to speak before the vote.

§1141.40. Incorporation

A. When immovable property is acquired by one or more persons acting in any capacity for and in the name of an association that is not duly incorporated, and the association is subsequently duly incorporated, the corporate existence of the association shall be retroactive to the date of acquisition of an interest in the immovable property, but the retroactive existence shall be without prejudice to rights validly acquired by third persons in the interim between the date of acquisition and the date that the association is duly incorporated.

B. The effect of the revocation and reinstatement of an association shall be in accordance with law.

SUBPART D. CONSUMER PROTECTIONS

§1141.41. Applicability; waiver

This Subpart applies to all lots except as modified or waived by agreement of purchasers of lots in a planned community in which all lots are restricted to nonresidential use.

Revision Comments – 2024

Commercial and industrial purchasers are assumed to be more sophisticated and better able to bargain for necessary protections. At the same time, the cost of protection may be substantial. Accordingly, this Section permits waiver or modification of the protections in this Subpart only where all lots are restricted to nonresidential use. The rights provided by this Subpart may not be waived or modified in the case of residential purchasers or in mixed-use planned communities.

§1141.42. Public offering statement

A. A declarant, before offering any interest in a lot to the public, shall prepare a public offering statement in accordance with R.S. 9:1141.43.

B. A declarant who offers a lot to a purchaser shall deliver a public offering statement in accordance with this Section and R.S. 9:1141.48. The declarant is liable in accordance with R.S. 9:1141.44 and 1141.48 for any false or misleading statement in the public offering statement and for any omission of a material fact therefrom.

C. If a lot in a planned community is also part of any other regime in which the delivery of a public offering statement is required by law, a single public offering statement conforming to the requirements of R.S. 9:1141.43 as related to each regime in which the lot is located may be prepared and delivered in lieu of providing two or more public offering statements.

§1141.43. Public offering statement; requirements

A. A public offering statement shall contain and fully and accurately disclose all of the following:

(1) The name and principal address of the declarant and of the planned community, and a statement that the planned community is a planned community.

(2) A general description of the planned community, including, to the extent possible, the declarant's schedule of commencement and completion of construction of common areas and limited common areas disclosed in promotional or marketing materials as "SHALL BE BUILT". Any promotional or marketing materials that show the intended location and dimensions of any

contemplated improvement to be constructed anywhere within the planned community or on any immovable property to be added to the planned community shall be labeled either "SHALL BE BUILT" or "NEED NOT BE BUILT".

(3) A copy of the declaration meeting the requirements of R.S. 9:1141.5.

(4) Copies of any other recorded covenants, conditions, restrictions, and reservations affecting the planned community; the bylaws and any rules of the association; and a brief description of any contracts or occupancy agreements that may be subject to termination pursuant to R.S. 9:1141.24.

(5) The financial information required by Subsection B of this Section.

(6) Any services not reflected in the budget that the declarant provides or expenses that the declarant pays that may become a common expense liability of the association, and the projected common expense assessment attributable to each of those services or expenses for the association and for each type of lot.

(7) Any initial or special fee due from the purchaser or seller at the time of sale, together with a description of the purpose and method of calculating the fee.

(8) A narrative description of any liens, defects, or encumbrances that are revealed in a title policy or title opinion affecting the ownership of the immovable and movable property forming the planned community as of the date of the declaration or that are otherwise known by the declarant.

(9) The terms and significant limitations of any warranties provided by the declarant, including statutory warranties and limitations on the enforcement thereof or on damages.

(10) A statement that within fifteen days after receipt of a public offering statement, a purchaser, before transfer, may cancel any contract to sell.

(11) A statement of any unsatisfied judgment or pending action against the association, and the status of any pending action material to the planned community of which a declarant has actual knowledge.

(12) Any restrictions on use, occupancy, and alienation of the lots and any restrictions on the amount for which a lot may be sold.

(13) A description of and the amount of the premiums for the insurance coverage provided for the benefit of the association and lot owners.

(14) Any current or expected fees or charges to be paid by lot owners for the use of the common areas, limited common areas, and other facilities related to the planned community.

(15) The extent to which financial arrangements have been provided for completion of all common areas and limited common areas that the declarant is obligated to build pursuant to R.S. 9:1141.46.

(16) The zoning classification and any other land use designation affecting the planned community.

(17) Any other material circumstances, features, and characteristics of the planned community and the lots.

(18) A description of any financial arrangement that is not otherwise disclosed and contained in the budget and that is binding on the association.

(19) A narrative description of all special declarant rights retained by the declarant.

B. The public offering statement shall contain a current balance sheet and a projected budget for the association for one year after the date of the first transfer of a lot to an unrelated purchaser, and thereafter the current budget of the association, a statement of who prepared the budget, and a statement of the assumptions concerning occupancy and inflation factors. The budget shall include the following:

(1) A statement of the amount included as a reserve for repairs and replacements.

(2) A statement of any other reserves.

(3) The projected common expense assessment by category of expenditures.

(4) The projected monthly common expense assessment for each lot.

C. The declarant shall be required to provide a supplement to the public offering statement containing the information required in Subsection B of this Section on an annual basis until all of the lots are owned by unrelated purchasers.

D. The declarant shall promptly amend the public offering statement to report any material change in the information required by this Section.

E.(1) A public offering statement is not required in any of the following circumstances:

(a) A gratuitous disposition of a lot.

(b) A disposition of a lot pursuant to court order.

(c) A disposition of a lot by a governmental agency.

(d) A disposition of a lot by foreclosure or giving in payment.

(e) A disposition of a lot restricted to nonresidential uses in a wholly nonresidential community.

(2) A public offering statement is not required when a planned community contains fewer than seventy-five lots based on the total number of anticipated lots after all development rights to add additional immovable property have been exercised in accordance with R.S. 9:1141.7.

(3) When a lot is subject to a contract to sell and is owned by a person other than the declarant, the association shall be required to provide to the purchaser all information required in this Section within ten days of a request for the information.

§1141.44. Purchaser's right to cancel

A. The person required to deliver a public offering statement shall provide a purchaser with a copy of the public offering statement and all amendments thereto at least fifteen days before transfer of the lot. A purchaser shall not be required to acquire a lot unless fifteen days have elapsed from the date of the delivery of the public offering statement. A purchaser, before transfer, may cancel the contract within fifteen days after first receiving the public offering

statement.

B. If a purchaser does not receive a public offering statement as required by this Subpart, the purchaser may cancel any contract to sell any time prior to the transfer, and, upon doing so, shall be entitled to recover actual damages.

C. A purchaser may cancel a contract pursuant to Subsection A or B of this Section by hand delivering or mailing notice thereof by prepaid United States mail to the seller or his agent for service of process. Cancellation is without penalty. All payments made by the purchaser to the seller before cancellation shall be promptly refunded.

D. If a purchaser does not receive a public offering statement as required by this Subpart prior to or at the time of the execution of the contract to sell, the purchaser may recover all costs and expenses incurred if the purchaser elects to cancel the contract to sell prior to acquisition of the lot.

§1141.45. Express warranties of declarant

A. Express warranties made by a declarant to an unrelated purchaser, if relied upon by the unrelated purchaser, regardless of the delivery or receipt of a public offering statement, are created as follows:

(1) Any affirmation of fact or promise by the declarant that relates to the lot, its use, or rights appurtenant thereto; area improvements to the planned community that would directly benefit the lot; or the right to use or have the benefit of facilities not located in the planned community creates an express warranty that the lot and related rights and uses will conform to the affirmation or promise.

(2) A provision that a purchaser may put a lot only to a specified use is an express warranty that the specified use is lawful at the time that the warranty was made.

B. Neither formal words, such as "warranty" or "guarantee", nor a specific intention to make a warranty are necessary to create an express warranty of quality, but a statement purporting to be merely an opinion or commendation of the immovable property or its value does not create a warranty.

§1141.46. Implied warranties

Any limitation, modification, or exclusion of implied warranties shall be as provided by law.

§1141.47. Warranties

A. Except as provided in Subsection G of this Section, the warranty period provided by law shall apply to this Part.

B. The association may assert a claim to enforce any express or implied warranty involving the common areas and limited common areas that is either made by the declarant or could have been asserted by the declarant against a third party in any manner provided by law.

C. If, during the period of declarant control, the association fails to enforce a claim that it could have asserted in accordance with Subsection B of this Section, a lot owner who wishes to assert the claim shall first provide notice to the association by the methods provided in R.S. 9:1141.38 of the lot owner's intention to do so. The association shall have thirty days from the date that notice was sent to assert the claim.

D. If the association fails to assert the claim within the thirty-day period, the lot owner who provided notice may assert the claim of the association to enforce any express or implied warranty involving the common areas and limited common areas, whether made by the declarant or a third party.

E. A lot owner's monetary recovery related to a claim asserted in accordance with this Section shall be limited to the lot owner's damage caused by the breach of warranty involving the common areas and limited common areas. A lot owner may also seek any other relief as provided by law.

F. A compromise made by the lot owner asserting a claim in accordance with this Section or any judgment resulting from the enforcement thereof does not preclude the assertion of a claim by the association or another lot owner.

G. A claim to enforce an express or implied warranty made by the declarant involving the common areas and limited common areas in accordance with this Section shall be asserted within forty days following the expiration of the time period of declarant control or within the time period otherwise provided by law to assert the claim, whichever period expires later.

Revision Comments - 2024

(a) The right of the association to assert a claim in accordance with this Section is not barred by the lack of privity between the association and a third party. This Act grants the association standing to maintain an action to enforce an obligation owed to the declarant. See R.S. 9:1141.48. For example, in the event that the declarant entered into a contract with another person who agreed to construct improvements on common areas, the association would be subrogated to the rights of the declarant to enforce a claim for failure to construct the improvement or for damages caused by defective construction. This Section grants the association the right to assert a claim. These examples are illustrative and do not limit the rights created by this Section.

(b) This Section further provides that, during the period of declarant control, the lot owner may assert a claim of the association in the event that the association fails to assert its claim within thirty days after the lot owner gives notice of his intention to do so. The assertion of the claim by the association may represent a conflict of interest for the declarant during the period of declarant control of the association. The rights granted to a lot owner to assert a claim of the association are intended to address this conflict.

(c) In the event that a lot owner asserts a claim of the association, the lot owner's recovery is limited to loss, injury, or damage suffered by the lot owner from the damage to the common areas and limited common areas. Nothing in this Section impacts the rights of other individual lot owners. This

Section does not preclude the ability of a lot owner asserting a claim under this Section to also assert claims under other provisions of law, including claims in redhibition.

§1141.48. Effect of violations on rights of action; attorney fees

A declarant, association, lot owner, or any other person who has suffered actual damages may bring an action to enforce a right granted or obligation imposed by this Subpart. The court may award reasonable costs and attorney fees to the prevailing party.

§1141.49. Declarant's obligation to complete and restore

A. Except for improvements labeled "NEED NOT BE BUILT" in any promotional materials or on a plat, the declarant shall complete all improvements depicted on any site plan or other graphic representation prepared by or at the direction of the declarant or the party responsible for the preparation of a public offering statement, including any plats or plans prepared pursuant to R.S. 9:1141.9.

B. The declarant is subject to liability for the prompt repair and restoration, to a condition compatible with the remainder of the planned community, of any portion of the planned community affected by the exercise of rights reserved pursuant to or created by R.S. 9:1141.7 or 1141.12.

C. Any description of the quantity or extent of the immovable property comprising the planned community, including plats or surveys or improvements indicated as "SHALL BE BUILT", creates an express warranty that the planned community will conform to the description, with the amenities provided by the declarant subject to customary tolerances.

Revision Comments – 2024

(a) The duty imposed by Subsection A of this Section is a fundamental obligation of the declarant and is one that a successor declarant is obligated to perform under R.S. 9:1141.23.

(b) This Section requires the declarant to repair and restore the planned community following the exercise of any rights reserved or created to exercise a development right, alter lots, relocate the boundaries between adjoining lots, subdivide lots, use lots or common areas for sales purposes, or exercise servitude and use rights. Plainly, this obligation of the declarant exists only if the declarant exercises these rights. If any right to, for example, alter lots is exercised by another lot owner, that lot owner, and not the declarant, would be responsible for the consequences of those acts.

§1141.50. Substantial completion of lots

A. In the case of a sale of a lot for which delivery of a public offering statement is required, a contract to sell may be executed, but the declarant shall transfer no interest in the lot until the declaration is filed for registry, the requirements of R.S. 33:114 et seq. have been met, and all other required governmental approvals have been obtained.

B. When a declarant has transferred an interest in a lot in a planned community in violation of Subsection A of this Section, the purchaser shall have the right to rescind the transfer or demand specific performance that the declarant take the actions described in Subsection A of this Section and to pursue any other remedy provided by law for the declarant's failure to comply with the provisions of Subsection A of this Section.

Revision Comments – 2024

The purpose of this Section is to allow a declarant to "pre-sell" a development. This frequently is required to obtain financing. The declarant is prohibited, however, from the actual sale of lots until all governmental requirements have been satisfied.

* * *

PART III. PRIVILEGES ON IMMOVABLES FOR CHARGES OR DUES OF ASSOCIATION OF OWNERS ASSOCIATIONS

§1145. Privileges; enforcement

A. This Part authorizes associations, including associations organized in accordance with R.S. 9:1123.101 or 1141.19, to enforce the payment of assessments authorized in the community documents. A privilege in favor of the association shall arise on a lot or unit for any assessment attributable to that lot or unit or any fines imposed against the owner.

B. For the purposes of this Part, an association refers to a nonprofit corporation, partnership, association, or other legal entity whose members are owners of lots subject to community documents or units in a condominium regime that maintains certain portions of the land or improvements for the use and benefit of the owners and that has the right to impose assessments.

C. This Part does not affect the personal liability of an owner for the payment of past due sums for which R.S. 9:1146 grants a privilege or prevent an association from acquiring a lot or unit through a giving in payment.

D. Within ten business days after receipt of a request made in a record, the association shall furnish to the owner a statement of the amount of any unpaid assessments against the owner's lot or unit. The statement shall be binding on the association.

E. With approval from the board of directors, an association may commence an action to enforce a privilege in accordance with this Part.

§1146. Association of owners Demand; privilege; notice to owner; definition

A. (1) If an individual lot owner has failed to pay the charges, expenses, or dues imposed upon his lot or unit by the association of owners of lots in a residential or commercial subdivision, the association shall deliver a make written demand for past due charges, expenses, or dues owed to the association to the owner by certified or registered mail, by any of the following methods:

(1) United States mail postage paid, or commercial courier as defined in Code of Civil Procedure Article 1313(D), or at the address and method on file with the association to the mailing address designated by the owner.

(2) Electronic mail to the address designated by the owner.

(3) Hand delivery to the physical location of the lot or unit, if neither a mailing address nor an electronic mail address has been designated by the owner.

(4) United States mail postage paid, or commercial courier as defined in Code of Civil Procedure Article 1313(D), to the mailing address of each lot or unit.

(5) Any other method reasonably calculated to provide notice to the owner.

(2) B. (1) The individual lot owner shall have thirty days after delivery of the written demand to deliver payment for the amount owed to the association.

(2) The association shall apply any sums paid by the owner following delivery of the written demand in the following order:

(a) Unpaid assessments.

(b) Late charges.

(c) Reasonable attorney fees, costs, and other collection charges.

(d) All other unpaid fees, charges, fines, penalties, and interest.

(3) After the thirty days has run expiration of the thirty-day period, the association may file a sworn detailed statement of privilege in accordance with this Part.

B. C. Upon the filing of a sworn detailed statement in accordance with this Part, an of privilege, the association of owners of lots in a residential or commercial subdivision shall have a privilege upon the lot or unit and improvements thereon of an owner in the subdivision who fails to pay charges, expenses, or dues imposed upon such lot and improvements thereon in accordance with recorded restrictions, servitudes, or obligations affecting such subdivision. The privilege shall secure unpaid charges, expenses, or dues imposed by the association of owners, together with interest thereon at the rate provided in the declaration or, in the absence thereof, at the legal interest rate from the date due and reasonable attorney fees any amount awarded in accordance with Subsection D of this Section.

E. D. For actions brought pursuant to this Section, the court may award the prevailing party costs of court, reasonable attorney fees, and other related costs, as well as any other sanctions and relief requested pursuant to Code of Civil Procedure Article 863.

D. For the purposes of this Part, an association of owners refers to a nonprofit corporation, partnership, association, or other legal entity whose members are owners of lots in the subdivision, and which maintains certain portions of the land or improvements in such subdivision for the use and benefit of the owners of lots in such subdivision.

§1146. §1147. Privilege; sworn Sworn detailed statement; filing

A. The sworn detailed statement shall contain the nature and amount of the unpaid charges, expenses, or dues, a description of the lot or lots on which behalf the charges, expenses, or dues have been assessed, of privilege shall be signed and verified by an officer or agent of the association; and shall be filed for registry in the mortgage records in of the parish in which the residential subdivision lot or unit is located. The statement of privilege shall include a complete property description of the lot or unit, the name of the record owner, the date the assessment became delinquent, a statement of the amount assessed relative to periodic dues including any accelerated amount, a statement relative to the amount assessed relative to fines and any late fees, and the date written demand was made upon the owner.

B. The association shall, commensurate with Upon the filing for registry of the statement of privilege, serve upon the association shall deliver a copy thereof to the delinquent owner a sworn detailed statement of the claim by certified mail, registered mail or personal delivery any method provided in R.S. 9:1146(A).

§1147. §1148. Privilege; time periods; rank

A. (1) A recorded sworn statement shall preserve the privilege against the lot or lots and improvements thereon for charges assessed to the owner Except as provided in Subsection B of this Section, if the assessment is imposed for alleged violations of community documents, for a period of one year after the date of recordation. The the effect of recordation shall cease and the privilege preserved by this recordation shall preempt unless a suit to enforce the privilege is filed within one year after the date of its recordation and a notice of the filing of such suit is filed in the mortgage records of the parish in which the subdivision is located of a statement of privilege shall cease and the privilege preserved by it shall be extinguished as to third persons unless a notice of pendency of action in accordance with Code of Civil Procedure Article 3752, identifying the suit required to be filed in accordance with this Subsection, is filed for registry in the mortgage records of the parish where the lot or unit is located within one year after the statement of privilege was filed. In addition to the requirements of Code of Civil Procedure Article 3752, the notice of pendency of action shall contain a reference to the recorded statement of privilege. If the effect of recordation of a statement of privilege has ceased for lack of timely filing of a notice of pendency of action, the recorder of mortgages, upon receipt of a written signed application, shall cancel the recordation of the statement of privilege.

(2) This Subsection shall not apply to If the assessment is imposed to enforce the affirmative duty of a homeowner an owner to pay monthly or periodic dues or fees, or assessments for particular expenses or capital improvements that are reasonable for the maintenance, improvement, or safety, or any combination thereof, of the planned community then the effect of recordation of a statement of privilege shall cease and the privilege preserved by it shall be extinguished as to third persons unless a notice of pendency of action in accordance with Code of Civil Procedure Article 3752, identifying the suit required to be filed in accordance with this Subsection, is filed for registry in the mortgage records of the parish where the lot or unit is located within five years after the statement of privilege is filed. In addition to the requirements of Code of Civil Procedure Article 3752, the notice of pendency of action shall contain

a reference to the recorded statement of privilege. If the effect of recordation of a statement of privilege has ceased for lack of timely filing of a notice of pendency of action, the recorder of mortgages, upon receipt of a written signed application, shall cancel the recordation of the statement of privilege.

B. A recorded sworn statement shall preserve the privilege against the lot or lots and improvements thereon for dues, fees, or assessments as provided in Paragraph (A)(2) of this Section for a period of five years after the date of recordation. The effect of recordation shall cease and the privilege preserved by this recordation shall perempt unless a suit to enforce the privilege is filed within five years after the date of its recordation and a notice of the filing of such suit is filed in the mortgage records of the parish in which the subdivision is located. A privilege pursuant to this Part is effective against third persons from the time the statement of privilege is filed for registry in the mortgage records and, except as otherwise provided in the Private Works Act, R.S. 9:4801 et seq., is preferred in rank to all mortgages, privileges, and other rights in the lot or unit that become effective against third persons after that time.

C. In the absence of a contrary provision in the declaration authorizing two or more associations, privileges in favor of those associations for assessments have equal priority regardless of the date on which the associations file statements of privilege unless there is an intervening encumbrance, in which event this Subsection does not apply.

Revision Comments – 2024

For the effectiveness of privileges against third persons, see Civil Code Articles 3273 and 3274.

~~§1148. Privilege; ranking~~

~~The privilege provided in this Part shall be ranked according to its time of recordation.~~

* * *

~~§2792.7. Limitation of liability of director, officer, or trustee of certain homeowners associations~~

* * *

~~B. For purposes of this Section, “homeowners association” means any of the following:~~

* * *

~~(3) A homeowners lot owners association as defined in the Louisiana Homeowners Association Planned Community Act, R.S. 9:1141.1 et seq.~~

* * *

~~§3132. Definitions~~

~~As used in this Chapter:~~

~~(1) “Private transfer fee” means a fee or charge required by a private transfer fee obligation and payable upon the transfer of an interest in an immovable, or payable for the right to make or accept such transfer, regardless of whether the fee or charge is a fixed amount or is determined as a percentage of the value of the immovable, the purchase price, or other consideration given for the transfer. “Private transfer fee” shall not include the following:~~

* * *

~~(g) Any fee, charge, assessment, fine, or other amount authorized under by the Louisiana Condominium Act, R.S. 9:1121.101 et seq.; the Louisiana Timesharing Act, R.S. 9:1131.1 et seq.; or the Louisiana Homeowners Association Planned Community Act, R.S. 9:1141.1 et seq.~~

* * *

~~Section 3. (A) This Act shall become effective on January 1, 2025, except as otherwise provided by this Section, and shall apply to declarations establishing planned communities filed for registry on or after that date.~~

~~(B) For planned communities established by a declaration or similar document filed for registry on or before December 31, 2024, this Act shall become effective on January 1, 2026.~~

~~Approved by the Governor, May 23, 2024.~~

~~A true copy:~~

~~Nancy Landry
Secretary of State~~

ACT No. 159

SENATE BILL NO. 28
BY SENATOR REESE
AN ACT

To repeal Section 3 of Act No. 331 of the 2023 Regular Session of the Legislature, relative to the regulation and licensure of virtual currency businesses; to provide relative to the authority, functions, and duties of the office of financial institutions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 3 of Act No. 331 of the 2023 Regular Session of the Legislature is hereby repealed.

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 160

SENATE BILL NO. 48
BY SENATOR TALBOT AND REPRESENTATIVE CHASSION

AN ACT

To amend and reenact Section 3 of Act No. 324 of the 2023 Regular Session of the Legislature, relative to biomarker testing; to repeal implementation under certain circumstances; to provide applicability; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 3 of Act No. 324 of the 2023 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

* * *

~~Section 3.(A) The provisions of Sections 1 and 2 of this Act shall become effective when an Act of the Louisiana Legislature containing a specific appropriation of monies for the implementation of the provisions of this Act becomes effective.~~

~~(B) The provisions of this Section **This Act** shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, the provisions of this Section **this Act** shall become effective on the day following such approval.~~

~~Section 2. The provisions of this Act apply to any new policy, contract, program, or health coverage plan issued on and after January 1, 2025.~~

~~Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.~~

~~Approved by the Governor, May 23, 2024.~~

~~A true copy:~~

~~Nancy Landry
Secretary of State~~

ACT No. 161

SENATE BILL NO. 56
BY SENATOR WHEAT AND REPRESENTATIVE TAYLOR
AN ACT

To amend and reenact R.S. 17:436(B)(3)(a) and 436.1(B)(1)(a), relative to the administration of medication to students; to provide for procedures on administering medication; to provide for certain requirements to administer medication; to provide for the performance of noncomplex health procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:436(B)(3)(a) and 436.1(B)(1)(a) are hereby amended and reenacted to read as follows:

~~§436. Performing noncomplex health procedures; definitions; conditions; restrictions; safety equipment, materials, and supplies~~

* * *

~~B. No city or parish school board shall require any employee other than a registered nurse, licensed medical physician, or an appropriate licensed health professional to perform noncomplex health procedures until all the following conditions have been met:~~

* * *

~~(3)(a) Following the training provided for in Paragraph (2) **of this Subsection**, no noncomplex health procedure, except screenings and activities of daily living such as toileting/diapering, toilet training, oral/dental hygiene, oral feeding, lifting, and positioning may be performed unless prescribed in writing by a physician licensed to practice medicine in the state of Louisiana or **an adjacent any other state of the United States**.~~

* * *

~~§436.1. Administration of medication; definition; conditions; restrictions; exceptions~~

* * *

~~B.~~

* * *

~~(1)~~

* * *

~~(a) No medication shall be administered to any student without an order from a licensed physician or dentist who is licensed to practice medicine or dentistry in the state of Louisiana or **an adjacent any other state of the United States** or any other authorized prescriber authorized in the state of Louisiana or **any other state of the United States** to prescribe medications or devices and a letter of request and authorization from the student’s parent or guardian.~~

* * *

~~Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.~~

~~Approved by the Governor, May 23, 2024.~~

~~A true copy:~~

~~Nancy Landry
Secretary of State~~

ACT No. 162

SENATE BILL NO. 58
BY SENATOR TALBOT
AN ACT

To amend and reenact R.S. 22:1060.14 and to enact R.S. 22:1060.12(7) and 1060.17, relative to health insurance; to provide a definition for consensus statements; to prohibit a health coverage plan from denying a prior authorization or payment of claims for cancer under certain circumstances; to provide enforcement procedures; to provide for technical changes; to provide for applicability; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1060.14 is hereby amended and reenacted and R.S. 22:1060.12(7) and 1060.17 are hereby enacted to read as follows:

§1060.12. Definitions

As used in this Subpart, the following definitions apply unless the context indicates otherwise:

* * *

(7) "Consensus statements" means statements developed by an independent, multidisciplinary panel of experts utilizing a transparent methodology and reporting structure and with a conflict-of-interest policy that are published in impactful scientific journals. The statements are aimed at specific, and often times rare, clinical circumstances and based on the best available evidence for the purpose of optimizing the outcomes of clinical care.

* * *

§1060.14. Requirement to cover services consistent with nationally recognized clinical practice guidelines **or consensus statements**

A. No health coverage plan that is renewed, delivered, or issued for delivery in this state that provides coverage for cancer in accordance with the Louisiana Insurance Code shall deny a request for prior authorization or the payment of a claim for any procedure, pharmaceutical, or diagnostic test typically covered under the plan to be provided or performed for the diagnosis and treatment of cancer if the procedure, pharmaceutical, or diagnostic test is recommended by nationally recognized clinical practice guidelines **or consensus statements** for use in the diagnosis or treatment for the insured's particular type of cancer and clinical state.

B. The provisions of this Section shall not prohibit a health insurance issuer from requiring utilization review to assess the effectiveness of the procedure, pharmaceutical, or test for the insured's condition, but if the procedure, pharmaceutical, or test is what is recommended by nationally recognized clinical practice guidelines **or consensus statements** for use in the diagnosis or treatment for the insured's particular type of cancer and clinical state, then any associated prior authorization shall be approved within the time limit specified in R.S. 22:1060.13.

* * *

§1060.17. Enforcement provisions

A. Whenever the commissioner has reason to believe that any health insurance issuer is not in compliance with any of the provisions of this Subpart, he shall notify the health insurance issuer. The commissioner may, in addition to the penalties in Subsection C of this Section, issue and cause to be served upon the health insurance issuer an order requiring the health insurance issuer to cease and desist from any violation.

B. Any health insurance issuer who violates a cease and desist order issued by the commissioner pursuant to this Subpart while the order is in effect shall be subject to one or more of the following at the commissioner's discretion:

(1) A monetary penalty of not more than twenty-five thousand dollars for each act or violation and every day the health insurance issuer is not in compliance with the cease and desist order, not to exceed an aggregate of two hundred fifty thousand dollars for any six-month period.

(2) Suspension or revocation of the health insurance issuer's certificate of authority to operate in this state.

(3) Injunctive relief from the district court of the district in which the violation may have occurred or in the Nineteenth Judicial District Court.

C. As a penalty for violating this Subpart, the commissioner may refuse to renew, or may suspend or revoke the certificate of authority of any health insurance issuer. In lieu of suspension or revocation of a certificate of authority, the commissioner may levy a monetary penalty of not more than one thousand dollars for each act or violation, not to exceed an aggregate of two hundred fifty thousand dollars.

D. An aggrieved party affected by the commissioner's decision, act, or order may demand a hearing in accordance with Chapter 12 of this Title, R.S. 22:2191 et seq., except as otherwise provided by this Subpart. If a health insurance issuer has demanded a timely hearing, the penalty, fine, or order by the commissioner shall not be imposed until the time as the division of administrative law makes a finding that the penalty, fine, or order is warranted in a hearing held in the manner provided in Chapter 12 of this Title.

Section 2. The provisions of this Act apply to any new policy, contract, program, or health coverage plan issued on and after January 1, 2025.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 23, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 163

SENATE BILL NO. 80
BY SENATORS FOIL AND BASS
(On Recommendation of the Louisiana State Law Institute)
AN ACT

To amend and reenact Code of Civil Procedure Arts. 4269.1, 4521(A)(3), and 4566(D), relative to trusts for minors and persons with disabilities; to provide for placement of a minor's property in trust; to provide for placement of payments to minors in trust; to provide for placement of an interdict's property in trust; to provide for the use of special needs and pooled trusts under federal law; to provide for termination of trusts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Arts. 4269.1, 4521(A)(3), and 4566(D) are hereby amended and reenacted to read as follows:

Art. 4269.1. Placement of minor's property in trust

At any time during his administration, a tutor may apply to the court for authorization to place some or all of the minor's property in trust ~~for administration, management and investment~~ in accordance with the Louisiana Trust Code **or, for a beneficiary who is disabled as defined in 42 U.S.C. 1382c(a)(3), in a trust qualified under 42 U.S.C. 1396p(d)(4)(C) in accordance with the law of any state.** The trust instrument shall name the minor as sole beneficiary of the trust, shall name a trustee, shall impose maximum spendthrift restraints, and **may allow the trust to last for the lifetime of the beneficiary. Except for trusts qualified under 42 U.S.C. 1396p(d)(4)(A) or 1396p(d)(4)(C), the trust shall, however, be subject to termination at the option of the beneficiary upon attaining the age of majority, or, should he fail, if the minor fails to attain majority, the trust shall be subject to termination at the option of his heirs or legatees.** The court may, upon application, make such changes in the trust instrument as may be advisable. Upon creation of the trust, the tutor shall be entitled to no further commissions with respect to the trust property.

* * *

Art. 4521. Payments to minor

A. In approving any proposal by which a minor is to be paid funds as the result of a judgment or settlement, the court may order:

* * *

(3) That the funds be placed in trust in accordance with the Louisiana Trust Code to be administered by an individual or corporate trustee as determined by the court or, for a beneficiary who is disabled as defined in 42 U.S.C. 1382c(a)(3), in a trust qualified under 42 U.S.C. 1396p(d)(4)(C) in accordance with the law of any state. The trust instrument shall name the minor as sole beneficiary of the trust, shall name a trustee, shall impose maximum spendthrift restraints, and may allow the trust to last for the lifetime of the beneficiary. Except for trusts qualified under 42 U.S.C. 1396p(d)(4)(A) or 1396p(d)(4)(C), the trust shall, however, be subject to termination at the option of the beneficiary upon attaining the age of majority. If the minor fails to attain majority, the trust shall be subject to termination at the option of his heirs or legatees. However, the court shall not order funds which that will be paid to an unemancipated minor who is in the legal custody of the Department of Children and Family Services to be placed in trust if the amount of the judgment or settlement is less than fifty thousand dollars.

* * *

Art. 4566. Management of affairs of the interdict

* * *

D.(4) A curator may place the property of the interdict in trust in accordance with the provisions of Article 4269.1. **The Except for trusts qualified under 42 U.S.C. 1396p(d)(4)(A) or 1396p(d)(4)(C), the trust shall be subject to termination at the option of the interdict upon termination of the interdiction, or if, if the interdict dies during the interdiction, the trust shall be subject to termination at the option of his heirs or legatees.**

(2) For the purpose of retaining government benefits and upon a showing by clear and convincing evidence that the interdict is permanently disabled and will not recover capacity, the trust shall be irrevocable during the life of the interdict and shall terminate upon the death of the interdict.

* * *

Approved by the Governor, May 23, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 164

SENATE BILL NO. 108
BY SENATOR SEABAUGH
AN ACT

To amend and reenact R.S. 19:2(7), relative to expropriation; to provide for the generating, transmitting, and distributing of electricity and steam by certain corporations and other legal entities; to prohibit the expropriation

of certain transmission lines; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 19:2(7) is hereby amended and reenacted to read as follows:
§2. Expropriation by state or certain corporations, limited liability companies, or other legal entities

Prior to filing an expropriation suit, an expropriating authority shall attempt in good faith to reach an agreement as to compensation with the owner of the property sought to be taken and comply with all of the requirements of R.S. 19:2.2. If unable to reach an agreement with the owner as to compensation, any of the following may expropriate needed property:

(7) Any domestic or foreign corporation, limited liability company, or other legal entity created for the purpose of, or engaged in, generating, transmitting, and distributing or for transmitting or distributing electricity and steam for power, lighting, heating, or other such uses subject to the following qualifications. Property located in Louisiana may be expropriated exclusively by an electric public utility as defined in R.S. 45:121 or an affiliated entity either for a transmission or generation project that is approved and included in a multi-state regional transmission organization's or independent system operator's transmission expansion plan or identified by such regional transmission organization or independent system operator as necessary for the reliability of the electric system or necessary for the interconnection of a generator, or for generating plants, buildings, transmission lines, stations or substations, distribution lines, or other associated facilities if a majority of the electricity or steam power to be generated, transmitted, or distributed in connection with these intended facilities will be delivered to end-users located within Louisiana. The generating plants, buildings, transmission lines, stations, and substations expropriated or for which property was expropriated shall be so located, constructed, operated, and maintained as not to be dangerous to persons or property nor interfere with the use of the wires of other wire using companies or, more than is necessary, with the convenience of the landowners. The terms "Regional Transmission Organization" and "Independent System Operator" shall have the meanings provided by 16 U.S.C. 796. In the event that any provision or provisions of this Paragraph are declared invalid or unenforceable by any court of competent jurisdiction, the remaining terms and provisions that are not affected thereby shall remain in full force and effect.

Approved by the Governor, May 23, 2024.
A true copy:
Nancy Landry
Secretary of State

ACT No. 165

SENATE BILL NO. 169
BY SENATOR WOMACK
AN ACT

To enact R.S. 38:2191(E), relative to payments under contract by public entities; to provide relative to payments due on certain public works contracts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 38:2191(E) is hereby enacted to read as follows:
§2191. Payments under contract

E. A declaration that a public works contract is null and void as being contrary to the provisions of R.S. 38:2211 et seq., shall not affect amounts due and payable under the contract, including overhead and profit, for the work performed by or on behalf of the contractor.

Section 2. This Act shall become effective upon signature of the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 23, 2024.
A true copy:
Nancy Landry
Secretary of State

ACT No. 166

SENATE BILL NO. 231
BY SENATOR DUPLESSIS
AN ACT

To amend and reenact introductory paragraph of R.S. 28:67, R.S. 28:68(A), 69(A)(1), (B)(2) and (3), (D), and (E), 70(D)(1), and 71(C), relative to involuntary outpatient mental health treatment; to provide for petitions to the court; to provide for judicial procedures; to provide for written treatment plans for involuntary outpatient treatment; to provide relative to dispositions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. The introductory paragraph of R.S. 28:67, R.S. 28:68(A), 69(A)(1), (B)(2) and (3), (D), and (E), 70(D)(1), and 71(C) are hereby amended and reenacted

to read as follows:

§67. Petition to the court
A petition for an order authorizing involuntary outpatient treatment may be filed in the judicial district in the parish in which the respondent is present or reasonably believed to be present **or in the judicial district where the respondent resides.** A petition to obtain an order authorizing involuntary outpatient treatment may be initiated by one of the following persons:

§68. Petition

A. The petition shall contain the facts which are the basis of the assertion that the respondent meets each of the criteria in R.S. 28:66 that he is present or reasonably believed to be present in the parish where filed **or that the respondent is a resident of the judicial district where the petition is filed,** and provide the respondent with adequate notice and knowledge relative to the nature of the proceeding.

§69. Procedure

A.(1) Upon the filing of the petition authorized by R.S. 28:67, the court shall assign a time and place for a hearing as promptly as is practical, but in no case later than ~~eighteen~~ **thirty** days after the filing of the petition, which may be conducted before any judge in the judicial district and shall cause reasonable notice thereof and a copy of the petition to be served upon the respondent, respondent's attorney, the petitioner, and the director of the local governing entity in the parish where the petition has been filed. The notice shall inform the respondent that he has a right to be present, a right to retain counsel, has the right to counsel appointed to represent him by the Mental Health Advocacy Service, and a right to cross-examine witnesses. Continuances shall be granted only for good cause shown.

B.

(2) If the court determines that probable cause exists, the court shall appoint a physician, psychiatric mental health nurse practitioner, **psychologist,** or **medical** psychologist to examine the respondent and to provide a written Physician's Report to Court and testify at the hearing. The Physician's Report to Court shall be completed on the form provided by the office of behavioral health of the Louisiana Department of Health and provided to the court, the respondent's counsel, and the petitioner's counsel at least three days before the hearing. Nothing in this Paragraph shall prevent the court from appointing a willing and available physician, psychiatric mental health nurse practitioner, **psychologist,** or **medical** psychologist who has been put forth by the petitioner or from accepting a Physician's Report to Court that has been completed pursuant to an examination of the respondent conducted within ten days prior to the filing of the petition. **The examination of the respondent for the purpose of the Physician's Report to Court shall be conducted within ten days prior to the filing of the petition or ten days after the filing of the petition.**

(3) The Physician's Report to Court shall set forth specifically the objective factors leading to the conclusion that the respondent has a mental illness that renders him unlikely to voluntarily participate in the recommended treatment and, in view of the treatment history and current behavior of the respondent, he is in need of involuntary outpatient treatment to prevent a relapse or deterioration which would be likely to result in his becoming dangerous to self or others or gravely disabled as defined in R.S. 28:2. The report shall also include recommendations for a treatment plan. **The examining physician, psychiatric mental health nurse practitioner, psychologist, or medical psychologist shall be authorized to consult with the respondent's treating physician, psychiatric mental health nurse practitioner, psychologist, or medical psychologist.**

D. The court shall not order involuntary outpatient treatment unless an examining physician, psychiatric mental health nurse practitioner, **psychologist,** or **medical** psychologist, who has personally examined the respondent, testifies at the hearing, in person or via electronic means, with consent of all of the parties, regarding the categories of involuntary outpatient treatment recommended, the rationale for each category, facts which establish that such treatment is the least restrictive alternative, and, if recommended, the beneficial and detrimental physical and mental effects of medication and whether such medication should be self-administered or administered by an authorized professional.

E. If the respondent has refused to be examined by the court-ordered physician, psychiatric mental health nurse practitioner, **or psychologist, or medical** psychologist, the court shall order the sheriff's department to take the respondent into custody and transport him to a psychiatrist's office, behavioral health center, hospital, or emergency receiving center. Retention of the respondent in accordance with the court order shall not exceed twenty-four hours. ~~The examining physician, psychiatric mental health nurse practitioner, or psychologist shall be authorized to consult with the respondent's treating physician, psychiatric mental health nurse practitioner, or psychologist.~~

§70. Written treatment plan for involuntary outpatient treatment

D.(1) Services ~~shall~~ **may** include but are not limited to case management, provided by the local governing entity which is defined as the assignment of the coordination of care for an outpatient individual with a serious mental illness to a single person or team, including all necessary medical and mental

health care and associated supportive services.

* * *
§71. Disposition

* * *
C. If the court finds by clear and convincing evidence that the respondent meets the criteria for involuntary outpatient treatment, and a written proposed treatment plan has not been approved, the court shall ~~may~~ order the ~~director of the local governing entity~~ **service provider** to provide a plan and testimony within five thirty days of the date of the order.

* * *
Approved by the Governor, May 23, 2024.
A true copy:
Nancy Landry
Secretary of State

ACT No. 167

SENATE BILL NO. 247
BY SENATOR CATHEY
AN ACT

To amend and reenact R.S. 30:2194(B)(4) and (11), (C)(2), and (4), 2194.1, 2195(D) and (F)(3), 2195.2(A)(1)(c)(ii), 2195.4(A)(1) and (3)(c), and 2195.10(D), and to repeal R.S. 30:2195.4(A)(3)(d), relative to the Motor Fuels Underground Storage Tank Trust Dedicated Fund Account; to provide for definitions; to provide for storage of heating oil; to provide for registration of underground storage tanks; to provide for pipeline facilities; to provide for dispensing into unregistered tanks; to provide for abandoned motor fuel underground storage tanks; to provide for uses of the Tank Trust Account; to provide for disbursements from the Tank Trust Account; to provide for financial responsibility for noncompliance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2194(B)(4) and (11), (C)(2), and (4), 2194.1, 2195(D) and (F)(3), 2195.2(A)(1)(c)(ii), 2195.4(A)(1) and (3)(c), and 2195.10(D) are hereby amended and reenacted to read as follows:

§2194. Underground storage tanks; registration

* * *
B. As used in R.S. 30:2194 through 2195.11, the following terms shall have the meaning ascribed to them in this Subsection, unless the context clearly indicates otherwise:

(1)(a)

* * *
(4) "Eligible participant" means any owner of an underground storage tank who has registered a newly installed or operating **or temporarily closed** tank with the department prior to the date of a release, has paid the annual tank registration fees along with any late payment fees, **and has not been excluded from coverage, as provided in** ~~has met the financial responsibility requirements imposed by R.S. 30:2195.9, and has met the noncompliance financial responsibility amounts imposed by R.S. 30:2195.10.~~

* * *
(11) "Specialized services" means activities associated with the preparation of a reimbursement application, laboratory analysis, **site assessment and characterization**, or any construction activity, construction of trenches, excavations, installing monitoring wells, conducting borings, heavy equipment work, surveying, plumbing, and electrical work, which is carried out by a response action contractor or a subcontractor hired or retained by a response action contractor in response to a discharge or release or threatened release of motor fuels into the groundwater, surface waters, or soils.

* * *
C. The secretary shall promulgate regulations requiring the registration of all underground storage tanks with a capacity in excess of one hundred ten gallons which contain regulated substances. The secretary may adopt rules and regulations to require the registration of certain underground storage tanks; establish requirements for ensuring sound underground storage tank management for preventing, controlling, remediating, and abating actual or potential contamination of surface water, groundwater, or soils; establish requirements for reporting of known releases and for taking corrective action in response to known releases from underground storage tank systems; establish a field citation program with penalty imposing authority; and establish a certification program for persons installing, repairing, or closing underground storage tank systems. For the purpose of this Section, "underground storage tank" shall not include a:

* * *
(2) Tank used for storing heating oil, **except heating oils blended with hazardous waste**, for consumptive use on the premises where stored.

* * *
(4) Pipeline facility, including gathering lines **that are either of the following:**

(a) Regulated under the Natural Gas Pipeline Safety Act of 1968, 49 U.S.C.A. 1671 et seq. **49 U.S.C. 601.**

(b) Regulated under the Hazardous Liquid Pipeline Safety Act of 1979, 49 U.S.C.A. 2001 et seq.; or

(c) Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of law referred to in Subparagraph (a) ~~or (b)~~ **above of this Paragraph and which is determined by the secretary of the United States Department of Transportation to be connected to a pipeline, or to be operated or intended to be capable of operating at pipeline pressure or as an**

integral part of the pipeline.

* * *
§2194.1. Prohibitions

No person shall place or dispense a regulated substance into an underground storage tank that has not been registered with the Louisiana Department of Environmental Quality ~~and that does not have a current registration certificate.~~

* * *
§2195. Motor Fuels Underground Storage Tank Trust Dedicated Fund Account

* * *
D. The funds placed in the Tank Trust Account shall only be used in accordance with the terms and conditions of R.S. 30:2194 through ~~2195.9~~ **2195.11** and shall not be placed in the general fund but shall be subject to the appropriation process of the legislature. The monies in the Tank Trust Account shall be invested by the state treasurer in the same manner as monies in the state general fund. Monies deposited into this account shall be **used to defray the cost of investment fees, and shall be** categorized as fees and self-generated revenue for the sole purpose of reporting related to the executive budget, supporting documents, and general appropriation bills and shall be available for annual appropriation by the legislature. **All unexpended and unencumbered monies in the account at the end of the fiscal year shall remain in the account and be available for expenditure in future fiscal years.**

* * *
F.(1)

* * *
(3) A tank may be declared to be an abandoned motor fuel underground storage tank by the secretary upon a finding that ~~all~~ **any** of the following apply ~~to the site:~~

(a) **The release at the site is not eligible for the Tank Trust Account and the secretary has determined that action by the department is the most timely and efficient way to address conditions at the site.**

(b) **All of the following apply to the site:**

(i) It has received motor fuels in an underground storage tank.

~~(ii)~~ (ii) The motor fuel underground storage tank was not closed or the site was not assessed or remediated in accordance with the requirements of this Subtitle and the regulations adopted hereunder.

~~(iii)~~ (iii) It constitutes or may constitute a danger or potential danger to the public health or the environment.

~~(iv)~~ (iv) It has no financially responsible owner or operator who can be located, or such person has failed or refused to undertake action ordered by the secretary pursuant to R.S. 30:2194 and the regulations adopted thereunder.

~~(v)~~ (v) ~~The release at the site is not eligible for the Tank Trust Account or the secretary has determined that action by the department is the most timely and efficient way to address conditions at the site.~~

§2195.2. Uses of the Tank Trust Account

A. The department shall administer the Tank Trust Account and shall make disbursements from the account for all necessary and appropriate expenditures. Pursuant to the authorization in R.S. 30:2195, the secretary of the Department of Environmental Quality shall use the Tank Trust Account as follows:

(1) Whenever in the secretary's determination incidence of surface water, groundwater, or soils contamination resulting from the storage of motor fuels may pose a threat to the environment or the public health, safety, and welfare and the owner of the motor fuel underground storage tank has been found to be an eligible participant, the department shall obligate monies available in the Tank Trust Account to provide for the following response actions:

* * *
(c)(i)

* * *
(ii) The monies expended from the Tank Trust Account for any of the above approved costs shall be spent only up to such sums as that which is necessary to satisfy federal petroleum underground storage tank financial responsibility requirements (40 CFR 280.93) or ~~one two million five hundred thousand~~ **per occurrence**, whichever is greater. This amount shall include any third-party claim arising from the release of motor fuels from a motor fuel underground storage tank. **However, if the secretary determines that further action is needed to address a condition that constitutes or may constitute a danger or potential danger to the public health or the environment, monies from the Tank Trust Account may be expended above the aggregate financial responsibility requirements of 40 CFR 280.93.**

* * *
§2195.4. Procedures for disbursements from the Tank Trust Account

A. Monies held in the Tank Trust Account established hereunder shall be disbursed by the secretary in the following manner:

(1) ~~Payments shall be made in reasonable amounts to motor fuel underground storage tank owners for reimbursement of payment to approved response action contractors~~ **Notwithstanding any provision of R.S. 30:2194 through 2195.11 to the contrary, any remediation work contracted for on or after August 1, 1995, shall be paid by the department to the response action contractor who performed the department-approved assessment or remediation work upon the presentation of proper invoices** for response actions taken when authorized by the secretary or his designee ~~only after the amounts required by R.S. 30:2195.9 and 2195.10 have been paid by the underground motor fuels storage tank owner or those authorized to act for the owner.~~ The secretary may substitute a lien with the same ranking as that authorized by R.S. 30:2195(F)(2) for the amount required by R.S. 30:2195.9 and 2195.10, but such lien shall not be substituted

on behalf of an owner or operator who continues to operate the system. An underground motor fuel storage tank owner who is an eligible participant and a response action contractor will not be reimbursed for response actions, excluding emergency response actions performed during the first seventy-two hours following a release, performed at his own site. Underground motor fuel storage tank owners will not be reimbursed for response actions, excluding emergency response actions performed during the first seventy-two hours following a release, performed by a response action contractor who is known to have performed actions which contributed to or resulted in the release.

(3)(a)

(c) ~~Initial assessments shall be initiated within two years from the receipt of a request for assessment made by the secretary to be eligible for disbursement from the Tank Trust Account.~~

(d) When the department's action results in a reimbursement application not being submitted within two years of the date the work was performed, the applicant will have ninety days from the date the issue is resolved to submit the reimbursement application.

§2195.10. Financial responsibility for noncompliance

D. Annually the advisory board shall review the financial responsibility requirements for noncompliance and may recommend adjustments to the requirements to the secretary. The secretary shall determine and set the financial responsibility amounts for noncompliance annually. ~~Adjustments to the financial responsibility for noncompliance shall be no less than the amounts currently established by law.~~

Section 2. R.S. 30:2195.4(A)(3)(d) is hereby repealed.

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 168

SENATE BILL NO. 251

BY SENATORS BARROW, BOUIE, CARTER, FIELDS, JACKSON-ANDREWS, JENKINS, MILLER, MIZELL, MORRIS, PRICE AND STINE AND REPRESENTATIVES BOYD, CHASSION, FREIBERG, HUGHES, KNOX, MANDIE LANDRY, LARVADAIN, MENA, NEWELL, TAYLOR, THOMPSON AND WILLARD

AN ACT

To enact R.S. 15:828(A)(3), relative to inmate classification and treatment programs; to provide relative to educational programs provided to persons committed to and in the physical custody of the Department of Public Safety and Corrections; to provide that adult detention facilities offer certain mandatory educational opportunities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:828(A)(3) is hereby enacted to read as follows:

§828. Classification and treatment programs; qualified sex offender programs; reports; earned credits

A.

(3)(a) All Department of Public Safety and Corrections adult detention facilities shall offer both a General Education Development (GED) test training program and at least one vocational training program as an option for inmates. Participation in the Prison Rehabilitation Pilot Program, the Transitional Residential Pilot Program, or a regional reentry program shall satisfy this requirement if those programs provide both a GED training program and a vocational training program.

(b) Beginning on July 1, 2025, the department shall pay the sum of two dollars per day to each parish sheriff, or to the governing authority of those parishes in which the governing authority operates the parish jail, if the sheriff or parish offers programming that meets the requirements for a General Education Development (GED) training program.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 169

SENATE BILL NO. 257

BY SENATOR FOIL

AN ACT

To amend and reenact R.S. 37:3173, relative to interior designers; to provide

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* As it appears in the enrolled bill

for board members; to provide for terms of office of the members of the board; to provide for board member qualifications; to provide for vacancies on the board; to provide for terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3173 is hereby amended and reenacted to read as follows: §3173. State Board of Examiners of Interior Designers; creation; qualifications; appointment

A.(1) There is hereby created the State Board of Examiners of Interior Designers within the office of the governor consisting of seven members appointed by the governor from a list of names of qualified candidates submitted by the board as follows:

(a) Six members shall be registered interior designers.

(b) One member selected from the public at-large.

(2) Each appointment shall be submitted to the Senate for confirmation. Each member shall be a registered interior designer and a citizen of Louisiana.

(3)(a) ~~Upon expiration of the terms of the members in office on January 1, 2000, the terms of members shall be for a period of four years or until the members' successors have been appointed and have taken office.~~

(b) ~~Notwithstanding the provisions of Subparagraph (a) of this Paragraph, the seven appointed members who are the successors to those members whose terms expired at noon on January 1, 2004, shall serve for the following terms as designated by the governor:~~

(i) ~~One member appointed from the list submitted by the American Society of Interior Designers shall serve a two-year term, the other shall serve a three-year term, and the other shall serve a four-year term.~~

(ii) ~~One member appointed from the list submitted by registered interior designers whose registrations are in good standing shall serve a two-year term, the other shall serve a three-year term.~~

(iii) ~~One member appointed from a list submitted by the International Interior Design Association shall serve a three-year term.~~

(iv) ~~One member appointed from a list submitted by the Interior Design Educators Counsel, Inc. shall serve a four-year term.~~

(v) ~~Thereafter, all successive appointed members shall serve four-year terms as provided in Subparagraph (A)(3)(a) of this Section.~~

B.(1) ~~Three members of the board shall be selected from a list of nine names from its membership submitted by the American Society of Interior Designers.~~

(2) ~~Two members shall be selected from the list of licensed or registered interior designers whose licenses are in good standing at the time of the appointment.~~

(3) ~~One member shall be selected from a list of three names from its membership submitted by the International Interior Design Association.~~

(4) ~~One member shall be an interior design educator selected from a list of three names submitted by the Interior Design Educators Counsel, Inc.~~

Each member shall hold the following qualifications:

(1) Each registered interior designer member shall:

(a) Be an interior designer registered in the state whose registration is in good standing.

(b) Be a resident of the state.

(c) Possess a National Council for Interior Design Qualification certificate.

(d) Have provided interior design services as a registered interior designer for at least five years prior to appointment to the board.

(2) The public member shall represent the health, safety, and welfare of consumers of the state and shall:

(a) Be a resident of the state.

(b) Not be an immediate family member as defined in the Code of Governmental Ethics, R.S. 42:1101 et seq., of any registered interior designer.

C. The term of each member of the board shall be for a period of four years or until a member's successor has been appointed and taken office.

D. Each vacancy shall be filled in the manner of original appointment except that a list of names shall be submitted for each vacancy arising under the categories designated under Paragraphs (1) and (2) of Subsection B of this Section.

E. Prior to entering upon the discharge of his duties, each member of the board shall subscribe to and file with the secretary of state the constitutional oath of office.

F. The board shall select annually from among its members a chairman and such other officers as it deems necessary.

G. Four members of the board shall constitute a quorum for the transaction of business, but no action shall be taken without at least four votes in accord.

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 170

SENATE BILL NO. 270

BY SENATOR TALBOT

AN ACT

To amend and reenact R.S. 22:41.3(C)(4), relative to volunteer board members of interlocal risk management agencies; to provide for applicability of certain exemptions regarding requests for a letter of no objection from the commissioner of insurance; to provide for an effective date; and to provide

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:41.3(C)(4) is hereby amended and reenacted to read as follows:

§41.3. Requirements for officers and directors of domestic regulated entities; exemptions

* * *
* * *

C.(1)

(4) The provisions of Paragraph (1) and Subparagraphs (2)(a) and (b) of this Subsection and Subsection E of this Section do not apply to volunteer board members of an interlocal risk management agency authorized pursuant to R.S. 33:1351 et seq. **The provisions of this Paragraph shall apply to any interlocal risk management agency formed pursuant to R.S. 33:1353 and existing on August 1, 2023, and any interlocal risk management agency formed pursuant to R.S. 33:1353 after that date.**

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 171

SENATE BILL NO. 296
BY SENATOR BOUDREAUX
AN ACT

To amend and reenact R.S. 40:1131(10) and (12) through (26), 1133.1(E)(1), 1133.2(B)(1) and (3), 1133.3(A) and the introductory paragraph of 1133.3(B)(1), 1133.4(A)(1), (2), and (4), 1133.5(3), 1133.13(E), 1133.14(A)(2), the introductory paragraph of 1133.14(C), 1135.3(C)(1)(d) and (3)(b), and 1135.8(C)(4)(c), to enact R.S. 40:1131(27) and 1133.3(B)(1)(f), and to repeal R.S. 40:1133.3(B)(2), relative to emergency medical services; to provide for definitions; to provide for the renaming of the EMS certification commission; to provide for the commission's entitlement to emergency medical personnel criminal history records; to provide for the removal and renaming of certain testing fees; to provide for the number of voting commission members; to provide for duties of emergency medical personnel; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1131(10) and (12) through (26), 1133.1(E)(1), 1133.2(B)(1) and (3), 1133.3(A) and the introductory paragraph of 1133.3(B)(1), 1133.4(A)(1), (2), and (4), 1133.5(3), 1133.13(E), 1133.14(A)(2), the introductory paragraph of 1133.14(C), 1135.3(C)(1)(d) and (3)(b), and 1135.8(C)(4)(c) are hereby amended and reenacted and R.S. 40:1131(27) and 1133.3(B)(1)(f) are hereby enacted to read as follows:

§1131. Definitions

For purposes of this Chapter, the following terms have the meaning ascribed to them in this Section:

* * *
* * *

(10) "Commission" means the Louisiana Emergency Medical Services ~~Certification~~ Commission.

(12) "Emergency medical personnel" means EMS practitioners and certified ambulance operators.

(13) "Emergency medical response vehicle" means a marked emergency vehicle with fully visual and audible warning signals operated by a certified ambulance service, the primary purpose of which is to respond to the scene of a medical emergency to provide emergency medical stabilization or support, or command, control, and communications, but which is not an ambulance designed or intended for the purpose of transporting a victim from the scene to a medical facility regardless of its designation. Included are such vehicles referred to but not limited to the designation as "sprint car", "quick response vehicle", "special response vehicle", "triage trucks", "staff cars", "supervisor units", and other similar designations. Emergency medical response vehicles shall not include fire apparatus and law enforcement patrol vehicles which carry first aid or emergency medical supplies and which respond to medical emergencies as part of their routine duties.

~~(13)~~(14) "Emergency medical services" or "EMS" means a system that represents the combined efforts of several professionals and agencies to provide ~~prehospital~~ **out-of-hospital** emergency, **urgent, preventive, and non-emergent** care to the sick and injured.

~~(14)~~(15) "EMS medical director" means a physician licensed by the Louisiana State Board of Medical Examiners who has responsibility and authority to ensure quality of care and provide guidance for all medical aspects of EMS. **EMS and who specializes in any of the following areas:**

- (a) Family practice.
- (b) Internal medicine.
- (c) General surgery.
- (d) Emergency medicine.

(e) Emergency medical services.

(f) Pediatrics.

(g) General practice.

~~(15)~~(16) "EMS practitioner" means an individual who is a licensed emergency medical responder, licensed emergency medical technician, licensed advanced emergency medical technician, or a licensed paramedic.

~~(16)~~(17) "EMS task force" means the Emergency Medical Services Task Force, composed of individuals subject to the approval of the secretary of the department, which advises and makes recommendations to the bureau of emergency medical services and the department on matters related to emergency medical services.

~~(17)~~(18) "Industrial ambulance" means any vehicle owned and operated by an industrial facility and used for transporting any employee who becomes sick, injured, or otherwise incapacitated in the course and scope of his employment from a job site to an appropriate medical facility.

~~(18)~~(19) "Licensed emergency medical responder" means any individual who has successfully completed an emergency medical responder education program based on National EMS Education Standards approved by the bureau and who is licensed by the bureau.

~~(19)~~(20) "Licensed emergency medical services practitioner" means an individual who is a licensed emergency medical responder or who is nationally registered, who has successfully completed an emergency medical services practitioner education program based on national EMS education standards, and who is licensed as any one of the following:

- (a) A licensed emergency medical technician.
- (b) A licensed advanced emergency medical technician.
- (c) A licensed paramedic.

~~(20)~~(21) "Moral turpitude" means an act of baseness, vileness, or depravity in the duties which one person owes another, or to society in general, which is contrary to the usual, accepted, and customary rule of right and duty which a person should follow.

~~(21)~~(22) "Municipal nonprofit organization" means an organization owned by a parish, municipality, or entity of a parish or municipality which in its regular course of business responds to a call for help and renders medical treatment and whose attendants are emergency medical personnel, a registered nurse, or a physician.

~~(22)~~(23) "National EMS education standards" means the document that outlines current nationally recognized EMS education standards, has been adopted by the bureau, and defines terminal objectives for each nationally defined EMS licensing level.

~~(23)~~(24) "Physician" means a physician licensed to practice medicine by the Louisiana State Board of Medical Examiners.

~~(24)~~(25) "Public safety agency" means a functional division of a public or private agency which provides firefighting, police, medical, or other emergency services.

~~(25)~~(26) "Public safety telecommunicator" means an individual answering 911 emergency medical condition calls on behalf of a public safety agency who has authority, based on a protocol adopted by the agency, to provide telephone cardiopulmonary resuscitation (T-CPR) instructions to a caller before arrival of professional medical assistance by first responders.

~~(26)~~(27) "Volunteer nonprofit organization" means an organization which in its regular course of business responds to a call for help and renders medical treatment and whose attendants are emergency medical personnel, a registered nurse, or a physician and which is chartered as a nonprofit organization under Section 501c of the United States Internal Revenue Code, as a volunteer fire department by the Louisiana state fire marshal's office, or as a nonprofit organization by the Louisiana secretary of state.

* * *

§1133.1. Emergency medical personnel training; licensure

* * *

E.(1) The commission and bureau shall be entitled to the criminal history record and identification files of the Louisiana Bureau of Criminal Identification and Information, located within the Department of Public Safety and Corrections, of any person who is ~~required~~ **seeking** to be licensed as an ~~emergency medical personnel~~ **EMS practitioner or certified as an ambulance operator**. Fingerprints and other identifying information of the applicant shall be submitted to the Louisiana Bureau of Criminal Identification and Information for qualification and registry, and the Louisiana Bureau of Criminal Identification and Information shall, upon request of the bureau and after receipt of such fingerprint card and other identifying information from the applicant, make available to the bureau all arrest and conviction information contained in the Louisiana Bureau of Criminal Identification and Information's criminal history record and identification files which pertain to the applicant for licensure. In addition, the fingerprints shall be forwarded by the Louisiana Bureau of Criminal Identification and Information to the Federal Bureau of Investigation for a national criminal history record check.

* * *

§1133.2. Fee schedule; fees for license prohibited

* * *

B. Except as provided in Subsection A of this Section, the bureau shall assess fees for testing, licenses, and certifications based on the following schedule:

	Fee
(1) Test fees:	
(a) Emergency medical responder - written only	\$15.00
(b) Emergency medical responder - written only (out of state)	15.00
(c) Emergency medical technician initial written & practical	

(d) Emergency medical technician entire practical exam	\$ 60.00
(e)(b) Emergency medical technician partial practical	30.00
psychomotor exam	
(f) Emergency medical technician testing/retesting written only	15.00
(g) Emergency medical technician testing/retesting written only (out of state)	15.00
(h) Advanced emergency medical technician initial written & practical	15.00
(i) Advanced emergency medical technician initial written & practical (out of state)	75.00
(j) Advanced emergency medical technician retest entire practical	100.00
(k) Advanced emergency medical technician retest entire practical (out of state)	50.00
(l) Advanced emergency medical technician retest partial practical	65.00
(m) Advanced emergency medical technician retest partial practical (out of state)	30.00
(n) Advanced emergency medical technician testing/retesting written only (exam only)	30.00
(o) Advanced emergency medical technician testing/retesting written only (exam only) (out of state)	15.00
(p) Paramedic initial written & practical	15.00
(q) Paramedic initial written & practical (out of state)	90.00
(r) Paramedic retesting entire practical	125.00
(s) Paramedic retesting entire practical (out of state)	60.00
(t) Paramedic retesting partial practical	75.00
(u) Paramedic retesting partial practical (out of state)	35.00
(v) Paramedic testing/retesting written	40.00
(w) Paramedic testing/retesting written (out of state)	15.00
	* * *
(3) <u>Recertification License renewal</u>	
(a) Emergency medical responder	5.00
(b) Emergency medical technician	25.00
(c) Advanced emergency medical technician	35.00
(d) Paramedic	45.00
	* * *

§1133.3. Louisiana Emergency Medical Services ~~Certification~~ Commission; creation; membership; qualifications; terms; vacancies; meetings; officers; compensation; domicile

A. The Louisiana Emergency Medical Services ~~Certification~~ Commission is hereby created within the Louisiana Department of Health.

B.(1) The commission shall be composed of ~~eleven~~ twelve voting members appointed by the governor as follows:

(f) One member who is a registered nurse and who is a state-licensed paramedic to be nominated by the Louisiana State Nurses Association from a list of two names submitted by the Louisiana Emergency Nurses Association.

§1133.4. Powers and duties of the commission; exceptions

A. The commission shall:

(1) Recommend to the bureau requirements and standards of practice for individuals seeking to be licensed or certified under this Part.

(2) Approve requirements and standards of practice submitted by the bureau for emergency medical ~~services practitioners~~ personnel consistent with this Part.

(4) Conduct disciplinary hearings for emergency medical personnel ~~and certified ambulance operators.~~

§1133.5. Powers and duties of the bureau

The bureau shall:

(3) Adopt requirements and standards of practice approved by the commission for emergency medical ~~services practitioners~~ personnel.

§1133.13. Civil immunity

E. There shall be no cause of action or civil liability, and no license ~~or certification~~ holder or applicant shall have any cause of action or any claim for damages against any individual, person, or institution providing information to the commission or its agents or employees when that individual, person, or institution acts without malice and when there is a reasonable belief that such information is accurate.

§1133.14. Duties of emergency medical ~~personnel~~ services practitioners

A.

(2) The functions authorized by Paragraph (1) of this Subsection may be performed by the licensed emergency medical services practitioner while ~~he is caring for a patient or at the scene of a medical or other emergency, where voice contact is established with a physician and under the physician's order; or or during the transport of a patient~~ under a protocol that has been approved by the ~~local parish medical society or the emergency medical~~

services practitioner's medical director, ~~until voice communication with the physician is established.~~

C. In a case of a life-threatening situation as determined by a licensed emergency medical services practitioner, ~~when voice contact with a physician is delayed or not possible, or when the delay in treatment could endanger the life of the patient,~~ such a person may render services in accordance with one of the following protocols ~~until voice communication can be established at the earliest possible time:~~

§1135.3. Ambulance providers; licensure

C. An applicant seeking licensure as an ambulance provider shall:

(1) Submit a completed application to the department on such forms and including such information and supporting documentation as required by the department. Such information shall include:

(d) Copies of personnel licenses and certifications. However, the department may provide for inspection and review of these certifications at an applicant's offices by prior agreement between the applicant and the department.

(3) Successfully complete an inspection by the department which includes the following:

(b) An inspection of all personnel licenses and certifications to verify that they meet the requirements of law.

§1135.8. Air ambulance services; licensure

C. An applicant seeking licensure as an air ambulance service shall:

(4) Submit to and successfully complete an inspection by the department to include the following:

(c) Review of licenses and certifications of all personnel to ensure that they meet all Federal Aviation Administration requirements and local pilot and medical personnel staffing protocols.

Section 2. R.S. 40:1133.3(B)(2) is hereby repealed.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 23, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 172

SENATE BILL NO. 316
BY SENATOR MIGUEZ
AN ACT

To amend and reenact R.S. 17:3992(A)(1) and (2)(b) and (D), and 3998(B) and to enact R.S. 17:3992(A)(2)(d) and (E), relative to charter schools; to provide for time periods of a charter; to provide for renewals of a charter; to provide for an alternative to revocation; to provide for an effective date; to provide for review of charter schools; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:3992(A)(1) and (2)(b) and (D) and 3998(B) are hereby amended and reenacted and R.S. 17:3992(A)(2)(d) and (E) are enacted to read as follows:

§3992. Charter revision and renewal

A.(1) Unless revoked as provided for in Subsection C of this Section, an approved school charter shall be valid for an initial period of ~~four~~ five years ~~and may be extended for a maximum initial term of five years,~~ contingent upon the results of a review conducted after the completion of the ~~third~~ fourth year as provided in R.S. 17:3998. The charter may be renewed for additional periods of not less than three nor more than ten years after thorough review by the approving chartering authority of the charter school's operations and compliance with charter requirements. The chartering authority shall notify the chartering group in writing of any decisions made relative to the renewal or nonrenewal of a school's charter not later than January thirty-first of the year in which the charter would expire. A notification that a charter will not be renewed shall include written explanation of the reasons for such non-renewal. Pursuant to Subsection C of this Section and using such annual review process, a charter may be revoked for failure to meet agreed-upon academic results as specified in the charter.

(2)(a)

(b) Each charter school shall be provided by its chartering authority with the criteria and procedures that will be used when considering whether to renew a school's charter. Charter renewal criteria shall include academic

* As it appears in the enrolled bill

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

performance and progress indices, as well as distinguish between charter schools with selective admissions criteria, charter schools without selective admissions criteria, and alternative charter school educational models.

(d) In instances where the state does not issue a school performance score for a charter school, the charter school qualifies as a severe impact school as defined by the State Board of Elementary and Secondary Education, or other extraordinary circumstances as set forth in policy by the chartering authority, the chartering authority may extend the charter contract term by the same length of time as the impacting occurrence.

D.(1) As an alternative to revocation as provided for in Subsection C of this Section, and in accordance with rules promulgated by the state board, the chartering authority may reconstitute the governing body of the charter holder if the chartering authority determines that the governing body of the charter holder has done one of the following:

(a) Committed a material and uncorrected violation of applicable law relative to the finances of the school or the health, safety, or welfare of the students enrolled at the school.

(b) Failed to satisfy accountability provisions prescribed by the charter or the chartering authority.

(c) Failed to meet generally accepted accounting standards of fiscal management.

(d) Committed material violations of the bylaws of the organization or nonprofit laws of the state.

(e) Is imminently insolvent as determined by the chartering authority.

(2) The action the chartering authority takes pursuant to this Subsection shall be based on the best interest of the public charter school's students, the severity of the violation, any previous violation the school has committed, and the accreditation status of the school, and shall be implemented after a public hearing.

E. For each charter school which has received a letter grade designation of "A" or "B" or any variation thereof and has met the criteria of Subparagraph (A)(2)(c) of this Section pursuant to automatic renewal, a charter operator shall be eligible to open and operate two additional schools that serve the same grade levels and the same enrollment boundaries as defined in the charter agreement of the school meeting the criteria of Subparagraph (A)(2)(c) of this Section without formal application to the chartering authority with which the charter agreement for the school that meets the criteria of Subparagraph (A)(2)(c) of this Section is held. The chartering group shall notify its chartering authority of its intent to open one or two additional charter schools pursuant to this Subsection at least one hundred twenty calendar days prior to the day on which each additional school shall enroll students. At least ninety calendar days prior to the day on which each additional school shall enroll students, the chartering authority shall enter into a charter agreement with the chartering group for each additional school and shall notify the state board of its action.

§3998. Reports; review

B. Each charter school shall be reviewed by its chartering authority after the completion of the ~~third~~ **fourth** year. If the charter school is achieving its stated goals and objectives pursuant to its approved charter, then the chartering authority shall extend the duration of the charter for a maximum initial term of five years as provided in R.S. 17:3992(A)(1). If the charter school is not achieving its stated goals and objectives pursuant to its approved charter, then the chartering authority shall not extend the duration of the charter, and the charter shall expire at the end of the school's ~~fourth~~ **fifth** year.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 23, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 173

SENATE BILL NO. 337

BY SENATORS BOUDREAU, ALLAIN, BARROW, BASS, BOUIE, CARTER, CONNICK, DUPLESSIS, EDMONDS, FESI, FIELDS, FOIL, HENRY, HENSGENS, JACKSON-ANDREWS, JENKINS, KLEINPETER, MCMATH, MIGUEZ, MORRIS, PRICE, TALBOT, WHEAT AND WOMACK AND REPRESENTATIVES ADAMS, BROWN, CHASSION, DEWITT, FREEMAN, HUGHES, TRAVIS JOHNSON, KNOX, LARVADAIN, MENA, STAGNI AND WILLARD

AN ACT

To amend and reenact R.S. 22:1482(A), (B), and (C)(1), relative to premium discounts on automobile insurance policies for military reservists; to provide for premium discounts; to require insurers to provide a premium discount on automobile insurance policies to military reservists; to provide insurers

certain credit when offering a premium discount for military reservists; to provide for an effective date; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1482(A), (B), and (C)(1) are hereby amended and reenacted to read as follows:

§1482. Military personnel premium discount; rebates; rating standards and methods

A. Every motor vehicle insurer authorized to transact business in this state shall provide to active duty military, **military reservist**, Louisiana Air National Guard, and Louisiana Army National Guard personnel based in this state a discount of twenty-five percent of the premium on any automobile liability insurance policy purchased in this state to cover motor vehicles owned by the military personnel.

B. Insurers providing the discount authorized by this Section to active duty military, **military reservist**, Louisiana Air National Guard, and Louisiana Army National Guard personnel, **retired military, and veterans with a disability of fifty percent or more** are entitled to a credit that shall be applied toward the premium taxes imposed under R.S. 22:831 and 838 in an amount equal to the discount actually provided. To the extent an insurer's credit authorized in this Section exceeds the insurer's premium tax liability, the amount of credit not used to offset premium taxes due shall be considered overpaid taxes and shall be refundable to the insurer, without interest. ~~Such insurers~~ **Insurers** shall submit to the commissioner of insurance the documents, evidence, and proof required, in accordance with the rules and regulations adopted by the commissioner, to establish the discounts actually provided.

C. The commissioner shall adopt rules and regulations, in accordance with the Administrative Procedure Act, to implement the provisions of this Section. The rules and regulations shall include and not be limited to the following:

(1) Provisions defining and delineating active duty military, **military reservist**, Louisiana Air National Guard, and Louisiana Army National Guard personnel who may receive the discount.

Section 2. This Act shall become effective on January 1, 2025.

Approved by the Governor, May 23, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 174

SENATE BILL NO. 338

BY SENATORS BOUDREAU, ABRAHAM, ALLAIN, BARROW, BASS, BOUIE, CARTER, CATHEY, COUSSAN, DUPLESSIS, EDMONDS, FESI, FIELDS, HARRIS, HENRY, HENSGENS, JACKSON-ANDREWS, JENKINS, KLEINPETER, LAMBERT, LUNEAU, MCMATH, MIGUEZ, MILLER, MIZELL, MORRIS, OWEN, PRICE, REESE, SEABAUGH, TALBOT, WHEAT AND WOMACK AND REPRESENTATIVES BAYHAM, BOYD, BRASS, CHASSION, FREEMAN, HUGHES, JACKSON, JORDAN, KNOX, MANDIE LANDRY, LARVADAIN, LYONS, MCMAHON, MENA, NEWELL, PHELPS, TAYLOR AND WILLARD

AN ACT

To amend and reenact the introductory paragraph of R.S. 22:1028.2(B)(1) and 1028.2(B)(1)(c), relative to health insurance; to provide contrast-enhanced mammogram and breast resonance imaging for diagnostic imaging; to provide certain factors for diagnostic imaging for breast cancer; to provide applicability; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 22:1028.2(B)(1) and 1028.2(B)(1)(c) are hereby amended and reenacted to read as follows:

§1028.2. Required coverage for diagnostic imaging

B. For purposes of this Section:

(1) "Diagnostic imaging" means a diagnostic mammogram, **contrast-enhanced mammogram, breast magnetic resonance imaging**, or breast ultrasound screening for breast cancer designed to evaluate an abnormality in the breast that is any of the following:

(c) Suspected based on the medical history or family medical history of the individual, **or additional factors that may increase the individual's risk of breast cancer.**

Section 2. The provisions of this Act apply to any new policy, contract, program, or health coverage plan issued on and after January 1, 2025. Any policy, contract, or health coverage plan in effect prior to January 1, 2025, shall convert to conform to the provisions of this Act on or before the renewal date, but no later than January 1, 2026.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by this legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 23, 2024.

ACT No. 175

SENATE BILL NO. 345
BY SENATOR BARROW
AN ACT

To enact R.S. 22:1335(C) through (H), relative to cancellation of homeowner's policies; to provide a surviving spouse a grace period to pay the premiums for a homeowner's policy; to provide for grace period requirements; to provide for rules; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1335(C) through (H) are hereby enacted to read as follows:
§1335. Homeowner's insurance; cancellation, nonrenewal; **limited grace period for surviving spouse**

* * *

C. An insurer providing property, casualty, or liability insurance that provides homeowners' insurance shall provide up to a maximum of a sixty day grace period for the payment of a semi-annual or annual insurance premium for homeowners' insurance upon the insurer's receipt of a request from a surviving spouse that is in accordance with this Section. When the grace period is implemented, all time delays for cancellation or nonrenewal set forth in Subsection A of this Section shall be extended by the length of the grace period as required in Subsection D of this Section.

D. To receive a grace period extension, an insured shall provide written notice to his insurer that includes both of the following:

(1) A copy of the death certificate for the deceased spouse that includes his date of death, and the date of his death is within sixty days following the original insurance premium due date.

(2) A specification of the requested length of days for the grace period that shall not exceed sixty days following the original due date for a semi-annual or annual insurance premium payment.

E. Upon conclusion of the grace period elected in Paragraph (D)(2) of this Section, all sums originally due shall become due and payable.

F. This grace period shall only apply to insurance payments made directly by the insured to his insurer and shall exclude payments made to any lending institution or financial intermediary that includes insurance premium payments as part of an escrow arrangement.

G. The grace period payment shall not create a private right of action by the insured, except the commissioner may consider the failure of the insurer to grant a properly documented timely request pursuant to Subsection D of this Section as a violation of R.S. 22:1964.

H. The commissioner may promulgate and adopt rules in accordance with the Administrative Procedure Act.

Section 2. This Act shall become effective on January 1, 2025.

Approved by the Governor, May 23, 2024.

ACT No. 176

SENATE BILL NO. 372
BY SENATOR HARRIS
AN ACT

To amend and reenact R.S. 51:3163(B) and (C), relative to motor vehicle service contracts; to provide for requirements for doing business; to provide for removal of fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:3163(B) and (C) are hereby amended and reenacted to read as follows:

§3163. Requirements for doing business

* * *

B. Each provider of a motor vehicle service contract sold in this state shall file an application for an initial registration with the secretary of state consisting of the provider's name, address, and contact person, designating a person in this state for service of process, and providing a listing of all officers, all directors, and all owners of ten percent or more of the business. Additionally, the provider shall file a copy of its basic organizational documents, including articles of incorporation, articles of organization, articles of association, or a partnership agreement. ~~Each application for registration shall be accompanied by a fee of six hundred dollars. All fees shall be paid to the secretary of state.~~

C. A registration shall be effective for two years, unless the registration is denied or revoked. Ninety days prior to the expiration of a registration, a provider shall submit a renewal application on a form prescribed by the secretary of state ~~and a renewal fee of two hundred fifty dollars. All fees shall be paid to the secretary of state.~~

* * *

Approved by the Governor, May 23, 2024.

A true copy:

ACT No. 177

SENATE BILL NO. 389
BY SENATOR PRICE
AN ACT

To amend and reenact R.S. 38:101(C), 103(B), 291(F)(1), 325(C)(2) and (4), 326.1, 326.3(A) and (E), 326.4(A), 329.1(C), 329.2(A), 332, 334, 421(E), 3086.24(J)(1) and R.S. 49:214.6.8(B)(1)(c), relative to the Lafourche Basin Levee District; to change the name of the Lafourche Basin Levee District; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:101(C), 103(B), 291(F)(1), 325(C)(2) and (4), 326.1, 326.3(A) and (E), 326.4(A), 329.1(C), 329.2(A), 332, 334, 421(E), and 3086.24(J)(1) are hereby amended and reenacted to read as follows:

§101. West Bank hurricane protection projects

* * *

C. Upon completion of the construction of the hurricane protection projects, the responsibility for maintenance and operation of the hurricane protection system shall be assumed by the West Jefferson Levee District, the Orleans Levee District, Plaquemines Parish, and the Lafourche Basin **Conservation Levee and Drainage** District, respectively for those portions of the system within each of the parishes.

* * *

§103. Coordination and cooperation

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B. The chairman of the Coastal Protection and Restoration Authority Board or the Coastal Protection and Restoration Authority is authorized to call upon the West Jefferson Levee District, the Orleans Levee District, Plaquemines Parish, Lafourche Basin **Conservation Levee and Drainage** District, and all other commissions and districts and state agencies, departments, and political subdivisions of the state for full and complete cooperation and assistance in carrying out the provisions of this Chapter, and all such entities are hereby directed and it shall be their duty to cooperate and assist in carrying out the provisions of this Chapter to the fullest extent possible.

* * *

§291. Naming; limits of districts; composition of boards

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F. Lafourche Basin **Conservation Levee and Drainage** District. (1) All the parishes or parts of parishes, except the parishes of Lafourche, Orleans, Jefferson, and Plaquemines, lying in a district between the Bayou Lafourche, the Mississippi River, and the Gulf of Mexico, heretofore known as the Third Levee District, and comprising a portion of the following parishes: Ascension, St. James, St. John the Baptist, St. Charles, and Assumption shall be embraced in the limits of a levee district to be known as the Lafourche Basin **Conservation Levee and Drainage** District.

* * *

§325. Scope of activities

* * *

C.(1)

* * *

(2) However, nothing in this Chapter shall be construed to in any way limit, restrict, inhibit, or alter the full and exclusive right, jurisdiction, power, and authority of the Orleans Levee District as granted in R.S. 38:307, 335, and 336 or of the Lafourche Basin **Conservation Levee and Drainage** District as granted in R.S. 38:334.

* * *

(4) Nothing contained in this Chapter shall be construed to limit or prohibit the construction with federal matching funds of recreational facilities which are part of a federally approved flood control program situated south from Donaldsonville to the Gulf of Mexico, within the Lafourche Basin **Conservation Levee and Drainage** District.

* * *

§326.1. Authority of Lafourche Basin **Conservation Levee and Drainage** District police officer; contracts with sheriffs' offices

A. Those persons who are designated Lafourche Basin **Conservation Levee and Drainage** District police officers in accordance with this Section are responsible for maintaining order and exercising general police power on the levees within the area of the Lafourche Basin **Conservation Levee and Drainage** District and upon its surrounding waters in accordance with the rules and regulations promulgated for that purpose by the secretary of the Department of Public Safety and Corrections or his designee. Each such person nominated as a police officer by the president of the Lafourche Basin **Conservation Levee and Drainage** District shall, upon meeting the requirements of this Section, be commissioned as a peace officer by the Department of Public Safety and Corrections. Such commission shall remain in force and effect at the pleasure of the president of the Lafourche Basin **Conservation Levee and Drainage** District and the Department of Public Safety and Corrections subject to applicable civil service regulations. These police officers shall have the right to carry concealed weapons and to exercise the power of arrest as peace officers, according to law, within the area of their jurisdiction as provided herein. Each such police officer shall execute

a bond in the amount of three hundred thousand dollars in favor of the State of Louisiana for the faithful performance of his duties. The premium on the bond shall be paid by the levee district. Any other provisions of this Section to the contrary notwithstanding this classification shall not entitle persons to state supplemental pay.

B. Any person arrested by a Lafourche Basin **Conservation Levee and Drainage** District police officer, in the exercise of the power hereinabove granted, shall be immediately transferred by such officer to the custody of the sheriff or city police wherein the arrest occurs.

C. No person shall be commissioned as a Lafourche Basin **Conservation Levee and Drainage** District police officer, unless prior to such commissioning the person has, as a minimum requirement, successfully completed a certified law enforcement training course and basic firearms training program, including any annual recertification, and meets the other requirements set by the secretary of the Department of Public Safety and Corrections or his designee.

D. In no event shall the total membership of the Lafourche Basin **Conservation Levee and Drainage** District Police Force exceed four members. All members shall be in the classified service of the state. The board of commissioners is hereby authorized to expend whatever funds are necessary for the operation and maintenance of the police force.

E. In addition to the provisions of this Section or any other provision of law, the president of the Lafourche Basin **Conservation Levee and Drainage** District may contract with sheriffs' offices within the area of the Lafourche Basin **Conservation Levee and Drainage** District for purposes of providing police protection and surveillance of the levee system. No such contract shall be binding or effective until approved by the board of commissioners of the Lafourche Basin **Conservation Levee and Drainage** District in a public meeting by a record vote of a majority of its membership.

* * *

§326.3. Combined police authority; jurisdiction; administrative responsibilities; personnel, equipment, and expenses

A. In addition to the authority, restrictions, requirements, and other provisions of R.S. 38:326 and 326.1, and notwithstanding any other provision of law to the contrary, the Port of South Louisiana, the Lafourche Basin **Conservation Levee and Drainage** District, and the Pontchartrain Levee District may coordinate and cooperate jointly with each other to maintain order and to exercise general police power within the areas of such port and districts and upon their levees.

* * *

E. Neither the Port of South Louisiana, the Lafourche Basin **Conservation Levee and Drainage** District, or the Pontchartrain Levee District shall authorize any additional funding for a position beyond the limits of its budget.

§326.4. Lafourche Basin **Conservation Levee and Drainage** District; executive director; assistant executive director; duties

A. The positions of executive director and assistant executive director of the board of commissioners of the Lafourche Basin **Conservation Levee and Drainage** District are hereby created. The executive director and assistant executive director shall be appointed by the board. The executive director, on behalf of and as authorized or directed by the board, shall administer the affairs of the district. The assistant executive director shall assist the executive director in all of his functions and duties as deemed necessary by the executive director.

* * *

§329.1. South Lafourche Levee District; additional powers and duties; certain payments

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C. Because the Lafourche Basin **Conservation Levee and Drainage** District continues to provide mainline Mississippi River levee protection which is beneficial to Lafourche Parish, the South Lafourche Levee District shall make payments to the Lafourche Basin **Conservation Levee and Drainage** District as follows:

(1) For the year 2007, thirty-five percent of the 2006 mineral revenues received on any lands within the boundaries of the South Lafourche Levee District that were previously owned by the Lafourche Basin **Conservation Levee and Drainage** District.

(2) For the year 2008, twenty-five percent of the 2007 mineral revenues received on any lands within the boundaries of the South Lafourche Levee District that were previously owned by the Lafourche Basin **Conservation Levee and Drainage** District.

(3) For the year 2009 and thereafter, fifteen percent of the mineral revenues received on any lands within the boundaries of the South Lafourche Levee District that were previously owned by the Lafourche Basin **Conservation Levee and Drainage** District.

§329.2. North Lafourche Conservation, Levee and Drainage District; ad valorem tax and mineral revenues

A. Because the Lafourche Basin **Conservation Levee and Drainage** District continues to provide mainline Mississippi River levee protection which is beneficial to Lafourche Parish, the North Lafourche Conservation, Levee and Drainage District and the Lafourche Basin **Conservation Levee and Drainage** District shall share both the ad valorem property taxes received from such tax levied annually, not to exceed five mills, pursuant to Article VI, Section 39(A) of the Constitution of Louisiana and R.S. 38:404, for levee protection on any lands located in the parish of Lafourche lying north of the northern bank of the Intracoastal Canal and east of the Bayou Lafourche, and the mineral revenues received on any lands within the territorial boundaries of the North

Lafourche Conservation, Levee and Drainage District that were previously owned by the Lafourche Basin **Conservation Levee and Drainage** District in the percentages as follows:

(1) For the tax year 2007, thirty-five percent to the Lafourche Basin **Conservation Levee and Drainage** District and sixty-five percent to the North Lafourche Conservation, Levee and Drainage District of such levied 2006 ad valorem property taxes received and mineral revenues received by **said the** levee districts.

(2) For the tax year 2008, twenty-five percent to the Lafourche Basin **Conservation Levee and Drainage** District and seventy-five percent to the North Lafourche Conservation, Levee and Drainage District of such levied 2007 ad valorem property taxes received and mineral revenues received by **said the** levee districts.

(3) For the tax year 2009 and each tax year thereafter, fifteen percent to the Lafourche Basin **Conservation Levee and Drainage** District and eighty-five percent to the North Lafourche Conservation, Levee and Drainage District of such levied 2008 ad valorem property taxes received, and such levied ad valorem property taxes received each year thereafter, and mineral revenues received by **said the** levee districts.

* * *

§332. Representatives of the boards of commissioners of the Lafourche Basin **Conservation Levee and Drainage** District and the Atchafalaya Basin Levee District to attend meetings of board

The boards of commissioners of Lafourche Basin **Conservation Levee and Drainage** District and the Atchafalaya Basin Levee District shall each select from among their membership, exclusive of the presidents thereof, an official representative to the South Lafourche Levee District and an official representative to the North Lafourche Conservation, Levee and Drainage District who shall attend each meeting of the two levee boards and make reports on the proceedings thereof to their respective boards of commissioners. Each such representative during the meetings of the boards of commissioners of the South Lafourche Levee District and the North Lafourche Conservation, Levee and Drainage District shall be afforded a reasonable opportunity to be heard on matters of interest to his respective levee district while the matters are being considered by the boards of commissioners.

§334. Revenue utilization; Lafourche Basin **Conservation Levee and Drainage** District

A.(1) Of all the taxes collected by the Lafourche Basin **Conservation Levee and Drainage** District from property located within St. Charles Parish located west of the Mississippi River, not less than fifty-seven percent of the tax monies shall be expended for the purposes of levee construction, levee maintenance, and other flood control and drainage works within that parish. These expenditures shall be in cash or in-kind services as determined by the parish governing body. When such funds are expended within St. Charles Parish, in-kind services shall not exceed fifty percent of such expenditures. Expenditures shall be certified as received by the parish's governing body at the end of each fiscal year.

(2) The provisions of Paragraph (1) of this Subsection shall not apply during any tax year in which the Lafourche Basin **Conservation Levee and Drainage** District maintains the St. Charles Parish West Bank Hurricane Protection Levee system, including the West Bank and general vicinity, Western Tie-In, Davis Pond Freshwater Diversion Levee, Willowridge Levee, Ellington Levee, Magnolia Ridge Levee, and Sunset Drainage District Levee, as a whole or as each section is transferred to the Lafourche Basin **Conservation Levee and Drainage** District for maintenance, operation, and control, subject to any amendments made by the state of Louisiana.

B. No provision of this Part or of any other law shall be construed so as to prohibit the Lafourche Basin **Conservation Levee and Drainage** District from the use of public funds to engage in general drainage work not incidental to the construction and maintenance of levees in the jurisdictional boundaries of the Lafourche Basin **Conservation Levee and Drainage** District.

* * *

§421. Local assessments or forced contributions

* * *

E. Lafourche Basin **Conservation Levee and Drainage** District. The board of commissioners of the Lafourche Basin **Conservation Levee and Drainage** District may levy annually a local assessment or forced contribution of two and one-half cents per acre on all lands within the district and one hundred dollars per mile on all standard gauge lines on railroads in the district upon railroads now constructed and which may be constructed in this state whose entire length does not exceed one hundred miles. The mileage assessment or forced contribution to be borne by the shorter roads shall not exceed fifty dollars per mile.

* * *

§3086.24. Powers

* * *

J.(1) The board shall have full power and authority to cooperate and contract with the United States government, or any of its agencies, the state of Louisiana, or any of its departments, agencies, commissions, districts, or other political subdivisions, or with any person, firm, partnership, or corporation, with the view of accomplishing the construction, maintenance, and operation of pumping facilities and appurtenant pipeline facilities, the purpose of which would be to provide fresh water for Bayou Lafourche. In the event that such pumping facilities and appurtenant pipeline facilities are constructed, erected, or installed by the state of Louisiana, the office of engineering of the Department of Transportation and Development, state of

Louisiana, the Coastal Protection and Restoration Authority Board, the board of commissioners for the Lafourche Basin Conservation Levee and Drainage District, the board of commissioners for the Atchafalaya Basin Levee District, the board of commissioners for the Lafourche Parish Water District No. 1 or other local interests, and the board of commissioners for the Bayou Lafourche Fresh Water District, or any of them, it shall be the obligation of the board of commissioners for the Bayou Lafourche Fresh Water District, and the board is hereby authorized and directed to operate and maintain such pumping and pipeline facilities so as to provide an adequate supply of fresh water in Bayou Lafourche.

* * *

Section 2: R.S. 49:214.6.8(B)(1)(c) is hereby amended and reenacted to read as follows:

§214.6.8. Coastal Louisiana Levee Consortium; establishment; purposes

* * *

B.(1) The members of the consortium shall consist of the director, general manager, or president, or their designee, of each board of commissioners of a coastal levee district or flood protection authority, including the following:

* * *

(c) Lafourche Basin Conservation Levee and Drainage District.

* * *

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 178

SENATE BILL NO. 392
BY SENATOR ABRAHAM
AN ACT

To amend and reenact R.S. 37:2150.1(4)(a)(ii), (8), and (15), the introductory paragraph of 2159(A), and 2161(A) and to enact R.S. 37:2157(A)(18) and (19), relative to contractors; to provide for types of contracting services; to provide for costs thresholds for licensure associated with new residential structures and improvements and repairs of residential structures; to provide relative to terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2150.1(4)(a)(ii), (8), and (15), the introductory paragraph of 2159(A), and 2161(A) are hereby amended and reenacted and R.S. 37:2157 (A) (18) and (19) are hereby enacted to read as follows:

§2150.1. Definitions

As used in this Chapter, the following terms have the following meanings:

* * *

(4)(a) "Contractor" means any person who undertakes to, attempts to, or submits a price or bid or offers to construct, supervise, superintend, oversee, direct, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down, furnishing labor, or furnishing labor together with material or equipment, or installing material or equipment for any of the following:

* * *

(ii) Any new residential structure where the entire cost is ~~seventy-five~~ **fifty** thousand dollars or more when the property is used for residential purposes.

* * *

(8) "Home improvement contracting" means the reconstruction, alteration, renovation, repair, modernization, conversion, improvement, removal, or demolition, or the construction of an addition to any preexisting residential structure which building is used or designed to be used as a residence or dwelling unit, or to structures which are adjacent to such residence or building where the project value ~~exceeds~~ **is** seven thousand five hundred dollars ~~but is not greater than or more but is less than seventy-five~~ **fifty** thousand dollars. **"Home improvement contracting" shall not include the performance of any structural work that is integral to the structural integrity of any new or existing structure including but not limited to footings, foundation, outside walls, skeleton, bearing columns and interior load bearing walls, and floor slabs.** "Home improvement contracting" shall not include services rendered gratuitously.

* * *

(15) "Residential contractor" means any person who constructs a fixed building or structure for sale or use by another as a residence or who, for a price, commission, fee, wage, or other compensation, undertakes or offers to undertake the construction or superintending of the construction of any residential structure which is not more than three floors in height, to be used by another as a residence, when the cost of the undertaking ~~exceeds~~ **is** ~~seventy-five~~ **fifty** thousand dollars ~~or greater~~. The term "residential contractor" includes all persons who receive an additional fee for the employment or direction of labor, or any other work beyond the normal architectural or engineering services. "Residential contractor" also means any person performing home improvement contracting as provided for in this Section when the cost of the undertaking ~~exceeds seventy-five thousand dollars~~ **is seven thousand five hundred dollars or more**. It shall not include the manufactured housing industry or those persons engaged in building residential structures that are mounted on metal chassis and wheels.

* * *

§2157. Exemptions

A. The provisions of this Part shall not apply to any of the following:

* * *

(18) Any person performing work as a subcontractor for a residential construction license holder, except for electrical, mechanical, plumbing, mold remediation, asbestos, or hazardous materials scopes of work.

(19) Any person performing home improvement work for a building construction license holder, except for electrical, mechanical, plumbing, mold remediation, asbestos, or hazardous material scopes of work.

* * *

§2159. Home improvement contracting; written contract required; claims of unlicensed persons

A. Every agreement for any licensee to perform home improvement contracting services, as defined by this Chapter, in an amount ~~in excess of seven thousand five hundred dollars~~ **or more**, but ~~not in excess of less than seventy-five~~ **fifty** thousand dollars, shall be in writing and shall include the following documents and information:

* * *

§2161. Construction management

A. Any person who performs, attempts to perform, or submits a price, bid, or offer to perform work in construction management whose scope of authority and responsibility include supervision, oversight, direction, or in any manner assumes charge for the construction services provided to an owner by a contractor or contractors, in which the value of the construction project is:

(1) ~~In excess of fifty~~ **Fifty** thousand dollars ~~or more~~ for a commercial construction project, shall possess a license from the board in the major classification applicable to the type of work being performed on the construction project.

(2) ~~In excess of seventy-five~~ **Fifty** thousand dollars ~~or more~~ for a residential construction project, shall possess a license from the board in the classification of residential construction.

(3) ~~In excess of seven thousand five hundred~~ **Seven thousand five hundred** dollars ~~or more~~ for a home improvement project, shall possess a license from the board in the classification of home improvement ~~construction~~ **contracting**.

* * *

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 179

SENATE BILL NO. 395
BY SENATOR FOIL
AN ACT

To amend and reenact R.S. 38:3301(A), relative to the Amite River Basin Drainage and Water Conservation District; to provide for the geographical boundaries of the district; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:3301(A) is hereby amended and reenacted to read as follows:

§3301. Limits of district; limits of Comite River Diversion Canal Impact Area

A. The Amite River Basin Drainage and Water Conservation District is hereby created. The district shall be comprised of that geographical area within the watershed limits of the Amite River and Tributaries Basin more particularly described as follows:

Starting at the northwest corner of Section 64, T1S-R1E, in East Feliciana Parish and also point in the State line between the States of Louisiana and Mississippi and POINT OF BEGINNING proceed in a southwesterly direction along the western boundary of Section 64, T1S-R1E to a point and corner of Section 64, T1S-R1E; thence proceed in an easterly direction along the southern boundary of Section 64, T1S-R1E to a point and corner of Section 64, T1S-R1E; thence proceed in a southerly direction along the boundary line of Section 64, T1S-R1E to a point and corner of Section 64, T1S-R1E; thence proceed in an easterly direction along the southern boundary line of Section 64, T1S-R1E to a point and intersection with the eastern right-of-way line of the Illinois Central Gulf Railroad; thence proceed in a southerly direction along the eastern right-of-way line of the Illinois Central Gulf Railroad to the point of intersection with the northern town limits of the Town of Wilson; thence proceed in an easterly direction along the northern town limits of the Town of Wilson and follow the town limits of the Town of Wilson to a point and intersection with the southern boundary line of Section 44, T1S-R1E; thence proceed in a westerly direction along the southern boundary line of Section 44, T1S-R1E to a point and corner of Section 44, T1S-R1E; thence proceed in a southwesterly direction along the southern boundary line of Section 45, T1S-R1E to a point and southwestern corner of Section 45, T1S-R1E; thence proceed in a southwesterly direction along the southeastern boundary line of Section 46, T1S-R1E to a point and northern corner of Section 53, T1S-R1E; thence proceed in a southwesterly direction along the western boundary of Section 53, T1S-R1E to a point and western corner of Section 53, T1S-R1E; thence proceed in a southeasterly direction along the southern boundary line of Section 53, T1S-R1E to a point and intersection with the western corner of Section 83, T2S-R1E; thence proceed in a southeasterly direction along the southern boundary line of Section 83, T2S-R1E to a point and intersection with the northwestern boundary line of Section 64, T2S-R1E; thence proceed

in a southwesterly direction along the northeastern boundary line of Section 64, T2S-R1E to a point and southwest corner of Section 64, T2S-R1E; thence proceed in a southeasterly direction along the southern boundary line of Section 64, T2S-R1E to a point and southern corner of Section 64, T2S-R1E; thence proceed in a southeasterly direction along the southwestern boundary line of Section 70, T2S-R1E to a point and southern corner of Section 70, T2S-R1E; thence proceed in a northeastern direction along the southern boundary line of Section 70, T2S-R1E to a point and intersection with the eastern right-of-way line of the Illinois Central Gulf Railroad; thence proceed in a southern direction along the eastern right-of-way line of the Illinois Central Gulf Railroad to a point and intersection with the southern boundary line of Section 69, T2S-R1E; thence proceed in a westerly direction along the southern boundary of Section 69, T2S-R1E to a point and corner of Section 69, T2S-R1E; thence proceed in a southerly direction along the boundary line of Section 69, T2S-R1E to a point and corner of Section 69, T2S-R1E; thence proceed in a westerly direction along the southern boundary line of Section 69, T2S-R1E to a point and corner of Section 69, T2S-R1E; thence proceed in a southerly direction along the western boundary line of Section 78, T2S-R1E to a point and corner of Section 19, T2S-R1E; thence proceed in a southwesterly direction along the boundary line of Section 19, T2S-R1E to a point and point of intersection with the northern boundary line of Section 30, T2S-R1E; thence proceed in a westerly direction along the northern boundary line of Section 30, T2S-R1E to a point and intersection with the northern boundary line of Section 43, T2S-R1E; thence proceed in a northwesterly direction along the northern boundary line of Section 43, T2S-R1E to a point and intersection with the St. Helena Meridian; thence proceed in a southern direction along the St. Helena Meridian to a point and intersection with the northeastern boundary line of Section 47, T2S-R1W; thence proceed in a northwesterly direction along the northeastern boundary line of Section 47, T2S-R1W to a point and eastern right-of-way boundary line of Louisiana State Highway 68; thence proceed in a southwesterly direction along the eastern right-of-way line of Louisiana State Highway 68 to a point and point of intersection with the southern right-of-way boundary line of Louisiana State Highway 10; thence proceed in a southeasterly direction along the southern right-of-way line of Louisiana State Highway 10 to a point and intersection with the southeastern boundary line of Section 60, T2S-R1W; thence proceed in a southwesterly direction along the southeastern boundary line of Section 60, T2S-R1W to a point and corner of Section 60, T2S-R1W; thence proceed in a northwesterly direction along the boundary line of Section 60, T2S-R1W to a point and northeastern corner of Section 39, T3S-R1W; thence proceed in a southeasterly direction along the southeastern boundary line of Sections 39, 40, and 94, T3S-R1W to a point and southeastern corner of Section 94, T3S-R1W; thence proceed in a southeasterly direction along the northern boundary line of Section 93, T3S-R1W to a point and northeast corner of Section 93, T3S-R1W; thence proceed in a southeasterly direction along the eastern boundaries of Sections 93, 92, 91, 90, 89 and 88, T3S-R1W to a point and southeastern corner of Section 88, T3S-R1W; thence proceed in a southeastern direction along the southern boundary line of Section 97, T3S-R1W to a point and intersection with the northeastern corner of Section 87, T3S-R1W; thence proceed in a southwestern direction along the eastern boundary line of Section 87, T3S-R1W to a point and northeast corner of Section 86, T3S-R1W; thence proceed in a northwesterly direction along the northern boundary line of Section 86, T3S-R1W to a point and corner of Section 86, T3S-R1W; thence proceed in a southwesterly direction along the boundary line of Section 86, T3S-R1W to a point and corner of Section 86, T3S-R1W; thence proceed in a northwesterly direction along the northern boundary line of Section 53, T3S-R1W to a point and intersection with the eastern right-of-way line of Louisiana State Highway 68; thence proceed in a southern direction along the eastern right-of-way line of Louisiana State Highway 68 to a point and intersection with the southern right-of-way boundary line of Louisiana State Highway 964; thence proceed in a southeasterly direction along the southern right-of-way boundary line of State Highway 964 to a point and intersection with the northwestern boundary line of Section 52, T4S-R1W; thence proceed in a southwesterly direction along the northwestern boundary line of Section 52, T4S-R1W to a point and intersection with the parish boundary line between East Feliciana and East Baton Rouge Parishes; thence proceed in a southwesterly direction along the northwestern boundary line of Section 52, T4S-R1W to a point and western corner of Section 52, T4S-R1W; thence proceed in a southeasterly direction along the southwestern boundary line of Section 52, T4S-R1W to a point and intersection with the eastern right-of-way line of Louisiana State Highway 964; thence proceed in a southern direction along the eastern right-of-way line of Louisiana State Highway 964 to a point and intersection with the southern boundary line of Section 59, T5S-R1W; thence proceed in a westerly direction along the southern boundary line of Section 59, T5S-R1W to a point and southwest corner of Section 59, T5S-R1W; thence proceed in a westerly direction along the southern boundary line of Sections 63 and 64, T5S-R1W to a point and southwestern corner of Section 64, T5S-R1W; thence proceed in a westerly direction along the southern boundary line of Section 66, T5S-R1W to a point and corner of Section 66, T5S-R1W; thence proceed in a southerly direction along the eastern boundary line of Section 6, T5S-R1W to a point and intersection with the eastern right-of-way line of U.S. Highway 61; thence proceed in a southeasterly direction along the eastern right-of-way of U.S. Highway 61 to a point and intersection with the northern boundary line of Section 8, T5S-R1W in East Baton Rouge Parish; thence proceed in a westerly

direction along the northern boundary line of Section 8, T5S-R1W to a point and northwest corner of Section 8, T5S-R1W; thence proceed in a southern direction along the eastern boundary of Section 8, T5S-R1W to a point and northeast corner of Section 69, T5S-R1W; thence proceed in a western direction along the northern boundary line of Section 69, T5S-R1W to a point and northwest corner of Section 69, T5S-R1W; thence proceed in an northwesterly direction along the northern boundary line of Section 48, T5S-R2W to a point and northwest corner of Section 48, T5S-R2W; thence proceed in a southern direction along the western boundary of Section 48, T5S-R2W to a point and intersection with the northeast corner of Section 47, T5S-R2W; thence proceed in a westerly direction along the northern boundary line of Section 47, T5S-R2W to its intersection with the eastern shore of the Mississippi River; thence proceed in a southerly direction along the eastern shore of the Mississippi River and Profit Island Chute to its intersection with the range line between R1W and R2W; thence proceed in a northerly direction along the range line between R1W and R2W to its intersection with the southwestern corner of Section 80, T5S-R1W; thence proceed in an easterly direction along the southern boundary line of Section 80, T5S-R1W to a point and southeast corner of Section 80, T5S-R1W; thence proceed in a northern direction along the eastern boundary line of Section 80, T5S-R1W to a point and intersection with the southern right-of-way line of West Irene Street; thence proceed in a northeasterly direction along the southern right-of-way line of West Irene Street to a point and intersection with the western right-of-way boundary line of U.S. Highway 61; thence proceed in a southeasterly direction along the western right-of-way boundary line of U.S. Highway 61 to a point and intersection with the western boundary line of Section 78, T5S-R1W; thence proceed in a northern direction along the western boundary line of Section 78, T5S-R1W to a point and northwest corner of Section 78, T5S-R1W; thence proceed in a northern direction along the western boundary line of Section 77, T5S-R1W to a point and northwest corner of Section 77, T5S-R1W; thence proceed in a southeasterly direction along the northern boundary line of Section 77, T5S-R1W to a point and intersection with the western right-of-way line of Louisiana State Highway 964; thence proceed in a southerly direction along the western right-of-way boundary line of Louisiana State Highway 964 to a point and intersection with the eastern right-of-way boundary line of U.S. Highway 61; thence proceed in a southeasterly direction along the eastern right-of-way boundary line of U.S. Highway 61 to a point and intersection with the southern right-of-way boundary line of Thomas Road; thence proceed in a northeasterly direction along the southern right-of-way boundary line of Thomas Road to a point and intersection with the western boundary line of Section 54, T6S-R1W; thence proceed in a southeasterly direction along the western boundary line of Section 54, T6S-R1W to a point and corner of Section 54, T6S-R1W; thence proceed in a northeasterly direction along the southern boundary line of Section 54, T6S-R1W to a point and intersection with the western boundary line of Section 52, T6S-R1W; thence proceed in a southerly direction along the western boundary line of Section 52, T6S-R1W to a point and southwest corner of Section 52, T6S-R1W; thence proceed in a westerly direction along the southern boundary line of Section 52, T6S-R1W to a point and intersection with the western boundary line of Section 70, T6S-R1W; thence proceed in a southerly direction along the western boundary line of Section 70, T6S-R1W to a point and southwestern corner of Section 70, T6S-R1W; thence proceed in an easterly direction along the southern boundary line of Section 70, T6S-R1W to a point and southeast corner of Section 70, T6S-R1W; thence proceed in a southerly direction along the western boundary line of Section 74, T6S-R1E and range line between R1W and R1E to a point and southwest corner of Section 74, T6S-R1E; thence proceed in an easterly direction along the southern boundary lines of Sections 74 and 75, T6S-R1E to a point and intersection with the western boundary line of Section 87, T6S-R1E; thence proceed in a southerly direction along the western boundary line of Section 87, T6S-R1E to a point and southwest corner of Section 87, T6S-R1E; thence proceed in an easterly direction along the southern boundary line of Section 87, T6S-R1E to a point and intersection with the western right-of-way line of Louisiana State Highway 67; thence proceed in a southwesterly direction along the western right-of-way line of Louisiana State Highway 67 to its intersection with the southern right-of-way boundary line of U.S. Highway 61 (Airline Highway); thence proceed in an easterly direction along the southern right-of-way boundary line of U.S. Highway 61 to a point and intersection with the western right-of-way line of Dutton Avenue; thence proceed in a southern direction along the western right-of-way boundary line of Dutton Avenue to a point and intersection with the northern right-of-way boundary line of Hollywood Street; thence proceed in a westerly direction along the northern right-of-way boundary line of Hollywood Street to a point and intersection with the eastern right-of-way line of Louisiana State Highway 67 (Plank Road); thence proceed in a southwesterly direction along the eastern right-of-way boundary line of Louisiana State Highway 67 to a point and intersection with the northern right-of-way boundary line of Madison Street; thence proceed in an easterly direction along the northern right-of-way boundary line of Madison Street to a point and intersection with the western right-of-way boundary line of 28th Street; thence proceed in a southerly direction along the western right-of-way boundary line of 28th Street to a point and intersection with the northern right-of-way boundary line of Bogan Walk; thence proceed in a westerly direction along the northern right-of-way boundary line of Bogan Walk to a point and intersection with the extension of the western right-of-way boundary line of 28th Street; thence proceed in a southerly direction along the western right-of-way boundary line of 28th

Street to a point and intersection with the northern right-of-way boundary line of Fuqua Street; thence proceed in a westerly direction along the northern right-of-way boundary line of Fuqua Street to a point and intersection with the eastern right-of-way boundary line of Louisiana State Highway 67 (22nd Street); thence proceed in a southerly direction along the eastern right-of-way boundary line of Louisiana State Highway 67 (22nd Street) to a point and intersection with the northern right-of-way boundary line of U.S. Highway 61-190 (Florida Boulevard); thence proceed in a westerly direction along the northern right-of-way boundary line of U.S. Highway 61-190 (Florida Boulevard) to a point and intersection with the eastern right-of-way boundary line of Interstate 110; thence proceed in a northerly direction along eastern right-of-way boundary line of Interstate 110 to a point and intersection with the northern right-of-way boundary line of North Street; thence proceed in a westerly direction along the northern right-of-way boundary line of North Street and a straight line extension to a point and intersection with the eastern right-of-way boundary line of the Illinois Central Gulf Railroad; thence proceed in a southerly direction along the eastern right-of-way boundary line of the Illinois Central Gulf Railroad to a point and intersection with the southern right-of-way boundary line of Interstate 10; thence proceed in a westerly direction along the southern right-of-way boundary line of Interstate 10 to a point and intersection with the eastern right-of-way boundary line of Louisiana State Highway 327 (River Road); thence proceed in a southerly direction along the eastern right-of-way boundary line of Louisiana State Highway 327 (River Road) to a point and intersection with the parish boundaries between East Baton Rouge Parish and Iberville Parish; ~~thence proceed in an easterly direction along the parish boundaries between East Baton Rouge Parish and Iberville Parish (Bayou Manchac) to a point and intersection with the Ascension Parish boundary line; thence proceed in a northeasterly direction along the parish boundary line between East Baton Rouge and Ascension Parishes to a point and intersection with the eastern right-of-way boundary line of U.S. Highway 61; thence proceed in a southeasterly direction along the eastern right-of-way boundary line of U.S. Highway 61 to a point and parish boundary line between Ascension and St. James Parishes; thence proceed in a southeasterly direction along the northeastern right-of-way boundary line of U.S. Highway 61 to a point and intersection with the parish boundary line between St. James and St. John the Baptist Parishes~~ **thence proceed in a northwesterly direction along the parish boundary line between East Baton Rouge and Iberville Parishes to a point and intersection with the thalweg of the Mississippi River; thence proceed in a southerly direction along the thalweg of the Mississippi River to a point and intersection with the parish boundary line between Ascension and Iberville Parishes; thence continuing in a southerly direction along the thalweg of the Mississippi River to a point and intersection with the parish boundary line between Ascension and St. James Parishes; thence continuing in a southerly direction along the thalweg of the Mississippi River, also being the parish boundary line between Ascension and St. James Parishes, to a point and intersection with the parish boundary line between Ascension and St. James Parishes; thence continuing in a southerly direction along the thalweg of the Mississippi River to a point and intersection with the boundary line between St. James and St. John the Baptist Parishes; thence continuing in a northeasterly direction along the thalweg of the Mississippi River, also being the parish boundary line between St. James and St. John the Baptist Parishes, to a point and intersection with the parish boundary line between St. James and St. John the Baptist Parishes; thence proceeding in a northwesterly direction along the parish boundary line between St. James and St. John the Baptist Parishes to a point and intersection with the northeastern right-of-way boundary line of U.S. Highway 61;** thence proceed in a northeasterly direction along the parish boundary line between St. James and St. John the Baptist Parishes to a point and intersection with the Livingston Parish boundary line (Blind River); thence proceed in an easterly direction along the parish boundary line between Livingston and St. John the Baptist Parishes to a point and intersection with the southern boundary line of Section 34, T9S-R6E; thence proceed in an easterly direction along the southern boundary line of Section 34, T9S-R6E to a point and southeast corner of Section 34; T9S-R6E; thence proceed in a northerly direction along the eastern boundary line of Sections 34, 27, 22, 15 and 10, T9S-R6E to a point and southwest corner of Section 2, T9S-R6E; thence proceed in an easterly direction along the southern boundary line of Section 2, T9S-R6E to a point and intersection with the western shoreline of Lake Maurepas; thence proceed in a northeast direction along the western shoreline of Lake Maurepas to a point and intersection with the southern boundary line of Section 36, T8S-R6E; thence proceed in a westerly direction along the southern boundary of Section 36, T8S-R6E to a point and southwest corner of Section 36, T8S-R6E; thence proceed in a northern direction along the western boundary line of Section 36, T8S-R6E to a point and southeast corner of Section 35, T8S-R6E; thence proceed in a westerly direction along the southern boundary of Section 35, T8S-R6E to a point and corner of Section 35, T8S-R6E; thence proceed in a northerly direction along the boundary line of Section 35, T8S-R6E to a point and corner of Section 35, T8S-R6E; thence proceed in a westerly direction along the boundary of Section 35, T8S-R6E to a point and southwest corner of Section 35, T8S-R6E; thence proceed in a northerly direction along the western boundary of Section 35, T8S-R6E to a point and southeastern corner of Section 27, T8S-R6E; thence proceed in a northern direction along the eastern boundary line of Section 27, T8S-R6E to a point and northeast corner of Section 27, T8S-R6E; thence proceed in a westerly direction along the northern boundary line of Section 27, T8S-R6E to a point and northeast corner of Section 51, T8S-R6E;

thence proceed in a westerly direction along the northern boundary of Section 51, T8S-R6E to a point and northwest corner of Section 51, T8S-R6E; thence proceed in a northerly direction along the eastern boundary line of Sections 21 and 16, T8S-R6E to a point and northeastern corner of Section 16, T8S-R6E; thence proceed in a westerly direction along the northern boundary line of Section 16, T8S-R6E to a point and corner of Section 16, T8S-R6E, thence proceed in a southerly direction along the boundary line of Section 16, T8S-R6E to a point and corner of Section 16, T8S-R6E; thence proceed in a westerly direction along the northern boundary line of Section 16, T8S-R6E to a point and northwest corner of Section 16, T8S-R6E; thence proceed in a westerly direction along the northern boundary of Section 17, T8S-R6E to a point and corner of Section 17, T8S-R6E; thence proceed in a southerly direction along the boundary line of Section 17, T8S-R6E to a point and corner of Section 17, T8S-R6E; thence proceed in a westerly direction along the northern boundary line of Sections 17 and 18, T8S-R6E to a point and northwest corner of Section 18, T8S-R6E; thence proceed in a southerly direction along the western boundary line of Section 18, T8S-R6E to a point and intersection with the northeast corner of Section 13, T8S-R5E; thence proceed in a southwesterly direction along the northern boundary of Section 13, T8S-R5E to a point and corner of Section 13, T8S-R5E; thence proceed in a northeasterly direction along the boundary line of Section 13, T8S-R5E to a point and corner of Section 13, T8S-R5E; thence proceed in a westerly direction along the northern boundaries of Sections 13 and 14, T8S-R5E to a point and intersection with the western boundary of Section 38, T8S-R5E; thence proceed in a northern direction along the western boundary line of Section 38, T8S-R5E to a point and northeast corner of Section 38, T8S-R5E; thence proceed in a westerly direction along the northern boundary line of Section 38, T8S-R5E to a point and intersection with the eastern boundary line of Section 37, T8S-R5E; thence proceed in a northerly direction along the eastern boundary of Section 37, T8S-R5E to a point and northeast corner of Section 37, T8S-R5E; thence proceed in a westerly direction along the northern boundary line of Section 37, T8S-R5E to a point and northwest corner of Section 37, T8S-R5E; thence proceed in a southern direction along the western boundary of Section 37, T8S-R5E to a point and intersection with the northern boundary line of Section 9, T8S-R5E; thence proceed in a westerly direction along the northern boundary line of Section 9, T8S-R5E to a point and northwest corner of Section 9, T8S-R5E; thence proceed in a southerly direction along the western boundary line of Section 9, T8S-R5E to a point and intersection with the northwest boundary line of Section 46, T8S-R5E; thence proceed in a southwesterly direction along the northwest boundary line of Section 46, T8S-R5E to a point and corner of Section 46, T8S-R5E; thence proceed in a southeasterly direction along the southwest boundary line of Section 46, T8S-R5E to a point and northeast corner of Section 17, T8S-R5E; thence proceed in a westerly direction along the northern boundary line of Section 17, T8S-R5E to a point and northwest corner of Section 17, T8S-R5E; thence proceed in a northerly direction along the eastern boundary lines of Sections 7 and 6, T8S-R5E to a point and northeast corner of Section 6, T8S-R5E; thence proceed in a westerly direction along the northern boundary line of Section 6, T8S-R5E to a point and northwest corner of Section 6, T8S-R5E; thence proceed in a westerly direction along the northern boundary line of Section 1, T8S-R4E to a point and intersection with the eastern right-of-way line of Louisiana State Highway 42; thence proceed in a northeasterly direction along the eastern right-of-way boundary line of Louisiana State Highway 42 to a point and intersection with the western boundary line of Section 29, T7S-R5E; thence proceed in a northerly direction along the western boundaries of Sections 29, 20, 17, 8 and 5, T7S-R5E to a point and intersection with the southwestern corner of Section 32, T6S-R5E; thence proceed in a northerly direction along the western boundary line of Sections 32 and 29, T6S-R5E to a point and intersection with the southern town limits of the Town of Livingston; thence proceed in a westerly direction along the southern town limits of the Town of Livingston to a point and intersection with the western right-of-way line of Louisiana State Highway 63; thence proceed in a northerly direction along the western right-of-way line of Louisiana State Highway 63 to its intersection with the northern right-of-way line of U.S. Highway 190; thence proceed in a westerly direction along the northern right-of-way boundary line of U.S. Highway 190 to a point and intersection with the range line between R4E and R5E; thence proceed in a northerly direction along the range line of R4E and R5E to a point and intersection with the northeastern corner of Section 1, T6S-R4E; thence proceed in a westerly direction along the northern boundary line of Section 1, T6S-R4E to the eastern right-of-way line of Louisiana State Highway 63; thence proceed in a northerly direction along the eastern right-of-way boundary line of Louisiana State Highway 63 to a point and intersection with the southeastern right-of-way boundary line of Louisiana State Highway 1019; thence proceed in a southwesterly direction along the southeastern right-of-way boundary line of Louisiana State Highway 1019 to a point and intersection with the eastern boundary line of Section 18, T5S-R4E; thence proceed in a northerly direction along the eastern boundary line of Section 18, T5S-R4E to a point and northeast corner of Section 18, T5S-R4E; thence proceed in a westerly direction along the northern boundary line of Section 18, T5S-R4E to a point and northwest corner of Section 18, T5S-R4E; thence proceed in a northerly direction along the western boundary line of Section 7, T5S-R4E to a point and northwest corner of Section 7, T5S-R4E; thence proceed in a easterly direction along the northern boundary line of Section 7, T5S-R4E to a point and intersection with the southeastern corner of Section 37, T5S-R4E; thence proceed in a northerly direction along the eastern boundary line of

Section 37, T5S-R4E to a point and intersection with the parish boundary line between St. Helena and Livingston Parishes; thence proceed in an easterly direction along the parish boundary line between St. Helena and Livingston Parishes to a point and southwestern corner of Section 54, T4S-R4E; thence proceed in a northerly direction along the western boundary line of Section 54, T4S-R4E to a point and northwest corner of Section 54, T4S-R4E; thence proceed in an easterly direction along the northern boundary line of Section 54, T4S-R4E to a point and southwest corner of Section 51, T4S-R4E; thence proceed in a northerly direction along the western boundary line of Section 51, T4S-R4E to a point and northwest corner of Section 51, T4S-R4E; thence proceed in a westerly direction along the northern boundary line of Section 51, T4S-R4E to a point and southeast corner of Section 45, T4S-R4E; thence proceed in a northerly direction along the eastern boundary line of Section 45, T4S-R4E to a point and intersection with the northwestern boundary line of Section 20, T4S-R4E; thence proceed in a westerly direction along the northern boundary line of Section 20, T4S-R4E to a point and intersection with the southwestern corner of Section 16, T4S-R4E; thence proceed in a northerly direction along the western boundary line of Section 16, T4S-R4E to a point and northwest corner of Section 16, T4S-R4E; thence proceed in an easterly direction along the northern boundary line of Section 16, T4S-R4E to a point and intersection with the eastern boundary line of Section 39, T4S-R4E; thence proceed in a northerly direction along the eastern boundary of Section 39, T4S-R4E to a point and northeast corner of Section 39, T4S-R4E; thence proceed in an easterly direction along the northern boundary of Section 39, T4S-R4E to a point and intersection with the western boundary of Section 10, T4S-R4E; thence proceed in a northerly direction along the western boundary of Section 10, T4S-R4E to a point and corner of Section 10, T4S-R4E; thence proceed in an easterly direction along the boundary of Section 10, T4S-R4E to a point and corner of Section 10, T4S-R4E; thence proceed in a northerly direction along the western boundary of Section 10, T4S-R4E to a point and northeast corner of Section 10, T4S-R4E; thence proceed in an easterly direction along the northern boundary of Section 10, T4S-R4E to a point and intersection with the western boundary of Section 37, T4S-R4E; thence proceed in a northerly direction along the western boundary of Section 37, T4S-R4E to a point and northwest corner of Section 37, T4S-R4E; thence proceed in an easterly direction along the northern boundary of Section 37, T4S-R4E to a point and intersection with the western boundary of Section 2, T4S-R4E; thence proceed in a northerly direction to a point and corner of Section 2, T4S-R4E; thence proceed in a westerly direction along the boundary of Section 2, T4S-R4E to a point and corner of Section 2, T4S-R4E; thence proceed in a northerly direction along the western boundary of Section 2, T4S-R4E to a point and northwest corner of Section 2, T4S-R4E; thence proceed in an easterly direction along the northern boundary of Section 2, T4S-R4E to a point and southeast corner of Section 35, T3S-R4E; thence proceed in a northerly direction along the eastern boundary of Section 35, T3S-R4E to a point and intersection with the southern boundary of Section 49, T3S-R4E; thence proceed in an easterly direction along the southern boundary of Section 49, T3S-R4E to a point and southeastern corner of Section 49, T3S-R4E; thence proceed in a northerly direction along the eastern boundary of Section 49, T3S-R4E to a point and intersection with the southern boundary of Section 25, T3S-R4E; thence proceed in an easterly direction along the southern boundary line of Section 25, T3S-R4E to a point and intersection with the range line between R4E and R5E; thence proceed in a northerly direction along the range line between R4E and R5E to a point and intersection with the northeastern corner of Section 13, T3S-R4E; thence proceed in a westerly direction along the northern boundary line of Section 13, T3S-R4E to a point and southeastern corner of Section 11, T3S-R4E; thence proceed in a northerly direction along the eastern boundary line of Sections 11 and 2, T3S-R4E to a point and intersection with the southwestern boundary line of Section 59, T3S-R4E; thence proceed in a northwesterly direction along the southwestern boundary line of Section 59, T3S-R4E to a point and corner of Section 59, T3S-R4E; thence proceed in a northeasterly direction along the northwest boundary line of Section 59, T3S-R4E to a point and intersection of the Township line between T2S and T3S; thence proceed in a westerly direction along the Township line between T2S and T3S to a point and southwest corner of Section 36, T2S-R4E; thence proceed in a northerly direction along the western boundary of Section 36, T2S-R4E to a point and northwest corner of Section 36, T2S-R4E; thence proceed in an easterly direction along the northern boundary line of Section 36, T2S-R4E to a point and intersection with the western corner of Section 25, T2S-R4E; thence proceed in an easterly direction along the southern boundary line of Section 25, T2S-R4E to a point and southeast corner of Section 25, T2S-R4E; thence proceed in an easterly direction along the boundary line of Section 30, T2S-R5E to a point and intersection with the western boundary line of Section 54, T2S-R5E; thence proceed in a northerly direction along the western boundary line of Section 54, T2S-R5E to a point and northwest corner of Section 54, T2S-R5E; thence proceed in an easterly direction along the northern boundary line of Section 54, T2S-R5E to a point and intersection with the western boundary line of Section 29, T2S-R5E; thence proceed in a northerly direction along the western boundary line of Section 29, T2S-R5E to a point and northwest corner of Section 29, T2S-R5E; thence proceed in a westerly direction along the northern boundary line of Section 29, T2S-R5E to a point and intersection with the northern right-of-way boundary line of Louisiana State Highway 10; thence proceed in a northwesterly direction along the northern right-of-way line of Louisiana State Highway 10 to a point and intersection with the southeastern boundary line of Section 46, T2S-R5E;

thence proceed in a northeasterly direction along the southwest boundary line of Section 46, T2S-R5E to a point and southeast corner of Section 46, T2S-R5E; thence proceed in a northwesterly direction along the northeastern boundary line of Section 46, T2S-R5E to a point and northern corner of Section 46, T2S-R5E; thence proceed in a southwesterly direction along the northwest boundary line of Section 46, T2S-R5E to a point and intersection with the eastern boundary line of Section 18, T2S-R5E; thence proceed in a northerly direction along the eastern boundaries of Sections 18 and 7, T2S-R5E to a point and intersection with southern boundary line of Section 64, T2S-R5E; thence proceed in a northeasterly direction along the southern boundary of Section 64, T2S-R5E to a point and southeast corner of Section 64, T2S-R5E; thence proceed in a northwesterly direction along the eastern boundary of Section 64, T2S-R5E to a point and northern right-of-way line of Louisiana State Highway 1043; thence proceed in an easterly direction along the northern right-of-way line of Louisiana State Highway 1043 to a point and intersection with the western right-of-way line of Firetower Road; thence proceed in a northerly direction along the western right-of-way line and extension of Firetower Road to a point and the northern right-of-way line of Louisiana State Highway 38; thence proceed in an easterly direction along the northern right-of-way line of Louisiana State Highway 38 to a point and intersection with the eastern boundary line of Section 29, T1S-R5E; thence proceed in a northerly direction along the eastern boundary line of Section 29, T1S-R5E to a point and intersection with the southern boundary of Section 43, T1S-R5E; thence proceed in an easterly direction along the southern boundary of Section 43, T1S-R5E to a point and southeast corner of Section 43, T1S-R5E; thence proceed in a northerly direction along the western boundary of Section 43, T1S-R5E to a point and northeast corner of Section 43, T1S-R5E; thence proceed in an easterly direction along the northern boundary of Section 43, T1S-R5E to a point and intersection with the eastern boundary line of Section 17, T1S-R5E; thence proceed in a northerly direction along the boundary line of Section 17, T1S-R5E to a point and northeast corner of Section 17, T1S-R5E; thence proceed in an easterly direction along the southern boundary line of Section 9, T1S-R5E to a point and intersection with the eastern right-of-way boundary line of Louisiana State Highway 43; thence proceed in a northerly direction along the eastern right-of-way line of Louisiana State Highway 43 to a point and intersection with the eastern boundary line of Section 4, T1S-R5E; thence proceed in a northerly direction along the eastern boundary line of Section 4, T1S-R5E to the northeast corner of Section 4, T1S-R5E and State Line between the States of Louisiana and Mississippi; thence proceed in an easterly direction along the State line between the States of Louisiana and Mississippi to a point and northwest corner of Section 64, T1S-R1E and POINT OF BEGINNING.

* * *

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 180

SENATE BILL NO. 410
BY SENATOR COUSSAN
AN ACT

To amend and reenact R.S. 33:4545.4(E), relative to the board of directors of the Louisiana Energy and Power Authority; to provide relative to the increase of the membership of the board of directors; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4545.4(E) is hereby amended and reenacted to read as follows:

§4545.4. Board of directors as governing authority of the Authority

* * *

E. By an ordinance ~~unanimously~~ adopted and approved by ~~all a majority~~ of members of the board of directors, provisions may be made for the appointment of additional directors to increase the membership of the board of directors to include other appointments by any municipality which, on the effective date of this Act, is engaged in the generation, transmission, or distribution of electricity. The initial term of the new director shall be set forth in said ordinance but shall not exceed five years. Any such municipality desiring representation on the board of directors shall request it by furnishing to the board of directors a resolution duly adopted by its governing authority requesting such representation and furnishing such other contracts, agreements, or information as may be reasonably required by the board of directors. The board of directors shall act upon such request within sixty days and if the request is not granted within said period of sixty days, it shall be considered as denied, and thereafter other requests may be subsequently furnished and considered.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 23, 2024.

ACT No. 181

SENATE BILL NO. 503
(Substitute of Senate Bill No. 275 by Senator Lambert)
BY SENATOR LAMBERT
AN ACT

To enact Chapter 16-A of Title 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 30:2383.1 through 2383.11, relative to air monitoring; to provide for creation of the community air monitoring; to provide for a purpose; to provide for standards for community air monitoring programs; to provide for data collection; to provide for applicability; to provide for definitions; to provide for program requirements; to provide for data communication; to provide for prohibited uses of data; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 16-A of Title 30 of the Louisiana Revised Statutes of 1950, comprised of R.S. 30:2383.1 through 2383.11, is hereby enacted to read as follows:

**CHAPTER 16-A LOUISIANA COMMUNITY AIR
MONITORING RELIABILITY**

§2383.1. Short title

This chapter shall be known and may be cited as the Louisiana Community Air Monitoring Reliability Act.

§2383.2. Purpose

The purpose of this Chapter is to establish standards for community air monitoring programs operated by entities to ensure that the data collected from such programs provides the public with access to accurate air quality information.

§2383.3. Applicability

This Chapter shall apply to entities that have implemented community air monitoring programs as defined in this Chapter.

§2383.4. Definitions

As used in this Chapter, unless the context indicates otherwise, the following terms have the following meanings:

(1) “Ambient air” means that portion of the atmosphere, external to buildings, to which the general public has access as defined in 40 CFR 50.1.

(2) “Community air monitoring programs” means measurement systems, testing equipment, tools, and processes of ambient air used or developed for the purpose of collecting air emissions data and measuring or recording air pollutant concentrations by entities that received public funds or use private funds. Such shall include both one-time monitoring events as well as multi-sampling events. Monitoring performed by “reporting entities” as defined in this Section for any purpose, including as required under judicial or administrative action, are excluded from this definition and shall be subject to the requirements of the applicable statutes, rules, judicial action, or administrative action governing monitoring by reporting entities.

(3) “Criteria air pollutants” include those air pollutants for which NAAQS have been established under Section 109 of the federal Clean Air Act, 42 U.S.C. 7409, including ozone, particulate matter, carbon monoxide, lead, sulfur dioxide, and nitrogen dioxide.

(4) “Department” means the Louisiana Department of Environmental Quality.

(5) “Environmental Protection Agency” or “EPA” means the United States Environmental Protection Agency.

(6) “Hazardous air pollutant” means a hazardous air pollutant as such term is defined in Section 112(a) of the federal Clean Air Act, 42 U.S.C. 7412.

(7) “Toxic air pollutants” means the term as defined in LAC 33:5103.

(8) “National Ambient Air Quality Standards” or “NAAQS” means the national ambient air quality standards established under Section 109 of the federal Clean Air Act, 42 U.S.C. 7409.

(9) “Public funds” means any money that has been awarded, granted, distributed, or otherwise provided by federal, state, tribal, or local governments, departments, agencies, and instrumentalities.

(10) “Private funds” means any money other than public funds.

(11) “Reporting entities” means any organization, group, company, owner, or operator of a stationary source developing or administering an air monitoring program.

(12) “Stationary source” means a stationary source as such term is defined in Section 112(a) of the federal Clean Air Act, 42 U.S.C. 7412(a).

§2383.5. Community air monitoring program requirements

A. Community air monitoring programs which seek to conduct monitoring of criteria air pollutants for the purpose of alleging violations or noncompliance with the federal Clean Air Act, Louisiana Environmental Quality Act, or any other applicable law, rule, or regulation for which the state has primary enforcement authority shall use the science-based standards set forth in 40 CFR Parts 50 and 58, including the NAAQS.

B. Community air monitoring programs which seek to conduct monitoring of hazardous air pollutant or toxic air pollutant emissions for the purpose of alleging violations or noncompliance with the federal Clean Air Act, Louisiana Environmental Quality Act, or any other applicable law, rule, or regulation for which the state has primary enforcement authority shall use an Environmental Protection Agency-approved or promulgated emission test or monitoring

method, or the latest revision to such methods approved or promulgated by the Environmental Protection Agency.

§2383.6. Data collection integrity

The parameters, equipment, and analytical methods along with any modeling or mapping software utilized for analysis of the monitoring data shall use the most current Environmental Protection Agency-approved or promulgated emission test or monitoring method. Analysis must be conducted through a laboratory approved by the Louisiana Environmental Laboratory Accreditation Program, known as LELAP, or include quality assurance certification of methods or equipment. Utilization of proprietary or not publicly available equipment or methods shall not be acceptable for community air monitoring programs.

§2383.7. Monitoring for criteria air pollutants

A. The department may use the data collected through the community air monitoring program to review compliance with the state’s promulgated air monitoring requirements as part of its assessment of compliance with the air quality standards in 40 CFR Part 50, including the NAAQS.

B. If community air monitoring data indicates that ambient air is not in compliance with the NAAQS as determined in accordance with 40 CFR Part 50, the department may consider necessary actions to address the issue, including but not limited to identifying sources of pollution, implementing pollution control measures, and engaging in public outreach and education. All actions taken by the department to address noncompliance with NAAQS shall be consistent with the federal Clean Air Act, if applicable.

§2383.8. Monitoring for hazardous air pollutants

A. The department may use the data collected through the community air monitoring program to review compliance with the state’s ambient air quality standards for hazardous air pollutants and toxic air pollutants.

B. If community air monitoring data indicates that ambient air is not in compliance with the ambient air standards specified in LAC 33:III. Chapter 51, the department may consider necessary actions to address the issue, including but not limited to identifying sources of pollution, implementing pollution control measure, and engaging in public outreach and education. All actions taken by the department to address noncompliance with ambient air standards shall be consistent with the Louisiana Environmental Quality Act, if applicable.

§2383.9. Data communication

Any release or communication of the collected monitoring data shall include clear explanations of data interpretation, appropriate context, including the applicable or comparable ambient air standard data limitations, and relevant uncertainties.

§2383.10. Prohibition on use of monitoring data

A. Data produced from community air monitoring programs alone is insufficient to demonstrate a stationary source is in violation of rule, regulation, or permit condition.

B. To promote compliance with this Chapter and the collection of accurate and reliable data from community air monitoring programs, any data produced from community air monitoring programs that are not in compliance with this Chapter shall not be used, disclosed, or disseminated by the department for purposes of or in support of the following:

(1) Issuing a fine, penalty, or violation against any person, including the owner or operator of a stationary source.

(2) Bringing an administrative, regulatory, or judicial enforcement action or proceeding against any person, including the owner or operator of a stationary source.

C. The prohibitions under this Section apply to use by the department or any person of any monitoring data not in compliance with this Chapter for purposes of alleging violations or noncompliance with the federal Clean Air Act, Louisiana Environmental Quality Act, or any other applicable law, rule, or regulation for which the state has primary enforcement authority.

§2383.11. Severability

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 23, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 182

HOUSE BILL NO. 7
BY REPRESENTATIVE BOURRIQUE
AN ACT

To enact R.S. 33:3812(K), relative to waterworks commissioners; to provide relative to the board of the South Cameron Consolidated Waterworks District No. 1 of Cameron Parish; to provide for the number of members on the board; to provide for qualifications; and to provide for related matters. Notice of intention to introduce this Act has been published as provided by

Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:3812(K) is hereby enacted to read as follows:

§3812. Waterworks commissioners; qualifications

* * *

K. Notwithstanding the provisions of Subsection A of this Section, the membership of the board of commissioners of the South Cameron Consolidated Waterworks District No. 1 of Cameron Parish shall be comprised of six members appointed by the governing authority of Cameron Parish.

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 183

HOUSE BILL NO. 21
BY REPRESENTATIVE MELERINE
AN ACT

To amend and reenact R.S. 13:3425(B) and Code of Civil Procedure Article 5094, relative to absent persons; to provide for service of process by commercial courier; to provide for a definition; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:3425(B) is hereby amended and reenacted to read as follows:

§3425. Notice

* * *

B. A copy of the petition for appointment shall be mailed by the applicant by registered or certified mail or delivered by commercial courier to each person listed in the affidavit, and to each person requesting notice pursuant to R.S. 13:3426, and shall notify him of the date and hour assigned by the court for a hearing thereon.

* * *

Section 2. Code of Civil Procedure Article 5094 is hereby amended and reenacted to read as follows:

Art. 5094. Duties; notice to nonresident or absentee

A. When an attorney at law is appointed by the court to represent a defendant who is a nonresident or an absentee, the attorney shall use reasonable diligence to communicate with the defendant and inform him of the pendency and nature of the action or proceeding, and of the time available for the filing of an answer or the assertion of a defense otherwise. B. For purposes of this Article, an attorney is deemed to have acted with reasonable diligence when the attorney sends an absentee a letter by certified mail or commercial courier to the last known address of the absentee in an effort to locate the absentee and notify him of the appointment of the attorney to represent the absentee defendant.

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 184

HOUSE BILL NO. 23
BY REPRESENTATIVE MELERINE
AN ACT

To amend and reenact Civil Code Article 781, relative to building restrictions; to provide for a noticeable violation of building restrictions; to provide for a definition; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Article 781 is hereby amended and reenacted to read as follows:

Art. 781. Termination; liberative prescription.

No action for injunction or for damages on account of the violation of a building restriction may be brought after two years from the commencement of a noticeable violation. A violation is noticeable when an apparent activity has occurred on the immovable in violation of the building restriction. The recording of an instrument that provides for a violation of the building restriction does not constitute a noticeable violation. After the lapse of this period, the immovable on which the violation occurred is freed of the restriction that has been violated.

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 185

HOUSE BILL NO. 27
BY REPRESENTATIVE MELERINE
AN ACT

To amend and reenact R.S. 13:3715.1(B)(1), relative to service of process; to provide for delivery of notice of subpoena for medical records by

commercial courier; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:3715.1(B)(1) is hereby amended and reenacted to read as follows:

§3715.1. Medical or hospital records of a patient; subpoena duces tecum and court order to a health care provider; reimbursement for records produced

* * *

B. The exclusive method by which medical, hospital, or other records relating to a person's medical treatment, history, or condition may be obtained or disclosed by a health care provider, shall be pursuant to and in accordance with the provisions of R.S. 40:1165.1 or Code of Evidence Article 510, or a lawful subpoena or court order obtained in the following manner:

(1) A health care provider shall disclose records of a patient who is a party to litigation pursuant to a subpoena issued in that litigation, whether for purposes of deposition or for trial and whether issued in a civil, criminal, workers' compensation, or other proceeding, but only if: the health care provider has received an affidavit of the party or the party's attorney at whose request the subpoena has been issued that attests to the fact that such subpoena is for the records of a party to the litigation and that notice of the subpoena has been mailed by registered or certified mail or delivered by commercial courier as defined in Code of Civil Procedure Article 1313(D) to the patient whose records are sought, or, if represented, to his counsel of record, at least seven days prior to the issuance of the subpoena; and the subpoena is served on the health care provider at least seven days prior to the date on which the records are to be disclosed, and the health care provider has not received a copy of a petition or motion indicating that the patient has taken legal action to restrain the release of the records. If the requesting party is the patient or, if represented, the attorney for the patient, the affidavit shall state that the patient authorizes the release of the records pursuant to the subpoena. No such subpoena shall be issued by any clerk unless the required affidavit is included with the request.

* * *

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 186

2024 Regular Session
HOUSE BILL NO. 45
BY REPRESENTATIVE MIKE JOHNSON
AN ACT

To amend and reenact R.S. 17:3403(A), relative to the certification of Montessori teachers; to provide relative to the entities providing certification and accreditation of training courses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3403(A) is hereby amended and reenacted to read as follows:

§3403. Minimum requirements for teacher certification; authorization for supplemental compensation

A. Montessori teachers having the requirements set forth below in this Subsection shall be certified by the appropriate Montessori organization as follows:

(1) A "Class A" "Class C" teacher shall have a certification from either the American Montessori Society, the Association Montessori Internationale, the St. Nicholas Training Course of London, the International Montessori Council, the Southwestern Montessori Training Center, or the Montessori World Education Educational Institute; or any other Montessori training course from a program accredited by the Montessori Accreditation Council for Teacher Education or jointly approved by the State Board of Elementary and Secondary Education and the Louisiana Montessori Association.

(2) A "Class B" teacher shall meet the certification requirements of Paragraph (1) of this Subsection plus have a baccalaureate degree and at least one year of teaching experience in a Montessori school.

(3) ~~A "Class B" "Class A" teacher shall meet the certification qualifications of Paragraph (2) of this Subsection have a certification from either the American Montessori Society, the Association Montessori Internationale, the St. Nicholas Training Course of London, or the Montessori World Education Institute, or any other Montessori training course jointly approved by the State Board of Elementary and Secondary Education and the Louisiana Montessori Association; plus at least one year of teaching experience in a Montessori school have a baccalaureate degree.~~

(3) A "Class C" teacher shall have a certification from either the American Montessori Society, the Association Montessori Internationale, the St. Nicholas Training Course of London, or the Montessori World Education jointly approved by the State Board of Elementary and Secondary Education and the Louisiana Montessori Association.

* * *

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 187

HOUSE BILL NO. 50
BY REPRESENTATIVE BUTLER
AN ACT

To amend and reenact R.S. 33:385.1(B), relative to municipal officers; to provide relative to the office of chief of police of the village of Pine Prairie; to provide relative to qualifications; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:385.1(B) is hereby amended and reenacted to read as follows:

§385.1. Qualifications of elected chief of police

* * *

B.(1) The elected chief of police of a village shall reside within the boundaries of the parish in which the village is located.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, an elected chief of police in the village of Pine Prairie shall reside within the corporate limits of the village. At the time of qualification as a candidate for the office of chief of police, a person shall have been domiciled in the village for at least the immediately preceding year.

* * *

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 188

HOUSE BILL NO. 58
BY REPRESENTATIVES BACALA, ADAMS, BAYHAM, BOYD, BOYER,
BRASS, CARLSON, FISHER, FONTENOT, GLORIOSO, HORTON,
JACKSON, TRAVIS JOHNSON, JORDAN, KNOX, LAFLEUR, MCMAKIN,
SELDERS, VILLIO, WALTERS, WILEY, AND WRIGHT AND SENATORS
CLOUD AND KLEINPETER
AN ACT

To amend and reenact R.S. 14:62(A) and to enact R.S. 14:62(C), relative to the offense of simple burglary; to provide for elements of simple burglary; to provide for liability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:62(A) is hereby amended and reenacted and R.S. 14:62(C) is hereby enacted to read as follows:

§62. Simple burglary

A. Simple burglary is either of the following:

(1) ~~the~~ The unauthorized entering of any dwelling, vehicle, watercraft, or other structure, movable or immovable, or any cemetery, with the intent to commit a felony or any theft therein, other than as set forth in R.S. 14:60.

(2) The unauthorized entering of any dwelling or other structure with the intent to temporarily or permanently deprive the owner, lessee, or tenant of full use of the dwelling or structure, or to temporarily or permanently assert any right of ownership or use of such property.

* * *

C. In addition to the penalties provided in Subsection B of this Section, an offender shall be liable for any damage that has resulted from a violation of Paragraph (A)(2) of this Section.

Section 2. The provisions of this Act shall be cited and referred to as "The Louisiana Squatter Prevention Act."

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 189

HOUSE BILL NO. 67
BY REPRESENTATIVE DOMANGUE
AN ACT

To amend and reenact R.S. 14:95(H)(1) and (K), relative to the crime of illegal carrying of weapons; to provide an exception to illegal carrying of weapons for certain persons; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95(H)(1) and (K) are hereby amended and reenacted to read as follows:

§95. Illegal carrying of weapons

* * *

H.(1) Except as provided in Paragraph (A)(4) of this Section and in Paragraph (2) of this Subsection, the provisions of this Section shall not prohibit active justices or judges of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, federal courts domiciled in the state of Louisiana, and traffic courts; members of either house of the legislature; officers of either house of the legislature; the legislative auditor; designated investigative auditors; constables; coroners; designated coroner investigators; district attorneys and designated assistant district

attorneys; United States attorneys and assistant United States attorneys and investigators; ~~the governor; the lieutenant governor; the secretary of state; the treasurer; the commissioner of agriculture; the commissioner of insurance;~~ the attorney general; designated assistant attorneys general; city prosecutors; designated assistant city prosecutors; a United States representative from Louisiana and his designated, employed congressional staffer; a United States senator from Louisiana and his designated, employed congressional staffer; ~~and~~ justices of the peace; ~~parish presidents; and mayor-presidents~~ from possessing and concealing a handgun on their person when such persons are qualified annually in the use of firearms by the Council on Peace Officer Standards and Training.

* * *

K.(1) The provisions of this Section shall not prohibit a retired ~~or former~~ justice or judge of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, federal courts; ~~former governor; former lieutenant governor; former secretary of state; former treasurer; former commissioner of agriculture; former commissioner of insurance;~~ retired ~~or former~~ attorney general; retired ~~or former~~ assistant attorneys general; retired ~~or former~~ district attorneys; retired ~~or former~~ assistant district attorneys; retired ~~or former~~ United States attorneys, retired ~~or former~~ assistant United States attorneys, or retired ~~or former~~ federal investigators; retired ~~or former~~ justices of the peace; retired ~~or former~~ members of the United States Congress; and former members of either house of the legislature from possessing and concealing a handgun on their person provided that such retired person or former member of the legislature is qualified annually, at their expense, in the use of firearms by the Council on Peace Officer Standards and Training and has on their person valid identification showing proof of their status as a former member of the legislature or as a retired ~~or former~~ justice, judge, ~~governor, lieutenant governor, secretary of state, treasurer, commissioner of agriculture, commissioner of insurance,~~ attorney general, assistant attorney general, district attorney, assistant district attorney, United States attorney, or assistant United States attorney or federal investigator, or retired justice of the peace. For a former member of the legislature, the valid identification showing proof of status as a former legislator required by the provisions of this Paragraph shall be a legislative badge issued by the Louisiana Legislature that shall include the former member's name, the number of the district that the former member was elected to represent, the years that the former member served in the legislature, and words that indicate the person's status as a former member of the legislature.

(2) The retired ~~or former~~ justice, judge, ~~governor, lieutenant governor, secretary of state, treasurer, commissioner of agriculture, commissioner of insurance,~~ attorney general, assistant attorney general, district attorney, assistant district attorney, justice of the peace, or former member of the United States Congress or either house of the legislature shall be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of qualification. ~~However, this~~

(3) This Subsection shall not apply to a retired ~~or former~~ justice, judge, governor, lieutenant governor, secretary of state, treasurer, commissioner of agriculture, commissioner of insurance, attorney general, assistant attorney general, district attorney, assistant United States attorney or federal investigator, retired justice of the peace, or to a former member of the legislature or the United States Congress who is medically retired based upon any mental impairment, or who has entered a plea of guilty or nolo contendere to or been found guilty of a felony offense.

(4) For the purposes of this Subsection:

(a) "Retired assistant United States attorney" or "retired federal investigator" means an assistant United States attorney or investigator receiving retirement benefits from the Federal Employees Retirement System.

(b) "Retired district attorney" or "retired assistant district attorney" means a district attorney or an assistant district attorney receiving retirement benefits from the District Attorneys' Retirement System.

(c) "Retired United States attorney" means a presidentially appointed United States attorney who separated from service in good standing.

* * *

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 190

HOUSE BILL NO. 72
BY REPRESENTATIVE JACKSON
AN ACT

To amend and reenact R.S. 18:1495.7(A)(1), relative to financial disclosure statements; to provide for the filing of a financial disclosure statement after qualifying for office; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1495.7(A)(1) is hereby amended and reenacted to read as follows:

§1495.7. Financial disclosure statements

A.(1)(a) Any person who becomes a candidate for an office for which the

holder of the office is required to file financial disclosure statements pursuant to R.S. 42:1124, 1124.2, or 1124.3 shall file a financial disclosure statement as required by R.S. 42:1124, 1124.2, or 1124.3 for the office for which he is a candidate. The statement required by this Section shall be filed within three business days after the close of the qualifying period during which the candidate files his notice of candidacy for the office.

(b) If the person holds an office or position that requires filing of the same disclosure required of him by this Section, is required by R.S. 42:1124, 1124.2, or 1124.3 to file a statement for the office for which he is a candidate, such filing shall satisfy the requirements of this Section.

Approved by the Governor, May 23, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 191

HOUSE BILL NO. 95
BY REPRESENTATIVE MIKE JOHNSON
AN ACT

To amend and reenact R.S. 42:19(A)(1)(b)(ii)(dd), relative to public meetings of certain public bodies; to provide for the use of a consent agenda at meetings of certain parish governing authorities and certain school boards; to provide for the population parameters used to identify certain parish governing authorities and school boards; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:19(A)(1)(b)(ii)(dd) is hereby amended and reenacted to read as follows:

§19. Notice of meetings

A.(1)

* * *

(b)

* * *

(ii)

* * *

(dd) If an agenda of a meeting of a either the parish governing authority or the parish school board of in a parish with a population of two hundred one hundred twenty-five thousand or more according to the latest federal decennial census or the governing authority of a municipality with a population of one hundred thousand or more according to the latest federal decennial census contains more than fifty items, the governing authority or school board may take action on items listed on a consent agenda without reading the description of each item aloud. However, before any action is taken on items listed on a consent agenda, the governing authority or school board shall allow a public comment period. Any item listed on a consent agenda may be removed from the consent agenda by an individual member of the governing authority or school board if a person objects to the presence of the item on the consent agenda and provides reasons for individual discussion at the meeting. The name of the person who objects to a consent agenda item and the reasons for the objection shall be included in the minutes of the meeting.

* * *

Approved by the Governor, May 23, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 192

HOUSE BILL NO. 109
BY REPRESENTATIVE MACK
AN ACT

To amend and reenact R.S. 49:964(A) and 966(K)(2) and to enact R.S. 49:964(D), relative to administrative procedure; to provide for processes to review agency rules; to provide relative to the availability of information regarding the ability of the public to request rule changes; to require the Office of the State Register to provide for a portal for such purposes; to require agencies to review rules each year; and to require certain information to be including in an agency's annual report to the appropriate committees of the legislature; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:964(A) and 966(K)(2) are hereby amended and reenacted and R.S. 49:964(D) is hereby enacted to read as follows:

§964. Public request for the adoption, amendment, or repeal of a rule; agency rule review

A.(1) An interested person may petition an agency requesting the adoption, amendment, or repeal of a rule. Each agency shall prescribe by rule the form for petitions and the procedure for their submission, consideration, and disposition. Within ninety days after submission of a petition, the agency shall either deny the petition in writing, stating reasons for the denial, or shall initiate rulemaking proceedings in accordance with this Chapter. Each agency with an appropriated operating budget of five million dollars or more shall include on its website a description of the procedure for submitting

petitions in accordance with this Subsection.

(2) The Office of the State Register shall provide for and host an online portal on its webpage to allow any interested person the opportunity to comment on any rule of an agency which the person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome. The Office of the State Register shall forward each comment to the appropriate agency. Within ninety days after receiving a comment, the agency shall either respond in writing to the person stating reasons the agency disagrees with the comment or shall initiate rulemaking proceedings to address the comments in accordance with this Chapter.

* * *

D. Each year, each agency shall review a sufficient number of the rules adopted by the agency so that all of the rules of the agency have been reviewed within a five-year period and shall submit a report to the appropriate legislative oversight committees in the manner provided by R.S. 49:966(K). The report shall include a listing of the rules reviewed by the agency during the previous calendar year, a description of whether each such rule is necessary and consistent with law and the agency's mission, a determination whether the probable benefits of the rule outweigh the burdens and costs on persons regulated by the rule, and the agency's proposed action, if any, regarding each such rule; a complete listing of rules reviewed by the agency since the beginning of the five-year period; and the percentage of the agency's rules that have been reviewed by the agency since the beginning of the five-year period.

* * *

§966. Review of agency rules; fees

* * *

K.

* * *

(2) The report required by Paragraph (1) of this Subsection shall also contain:

a (a) A recitation of each petition, and submission, and comment, if any, received by the agency pursuant to R.S. 49:964 during the previous calendar year and the agency's response to each petition, and submission, and comment, if any were received.

(b) The report required by R.S. 49:964(D).

* * *

Approved by the Governor, May 23, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 193

HOUSE BILL NO. 112
BY REPRESENTATIVE WYBLE
AN ACT

To amend and reenact R.S. 17:54(B)(1)(b)(i)(aa), relative to local school superintendents; to provide for the employment of superintendents; to provide for the evaluation of superintendents; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:54(B)(1)(b)(i)(aa) is hereby amended and reenacted to read as follows:

§54. Officers of boards, election; superintendents, qualifications, appointment and removal

* * *

B.(1)

* * *

(b)(i)(aa) The superintendent of schools shall be employed by a city, parish, or other local public school board pursuant to a written contract. Such a contract shall provide that the superintendent is subject to a performance evaluation by the local school board. At least fifteen percent of the evaluation shall be based on evidence of growth in student achievement by the end of the third grade in literacy and at least fifteen percent of the evaluation shall be based on evidence of growth in student achievement by the end of the third grade in mathematics, all as determined by the state board. Such contract shall contain but need not be limited to also provide for specific performance objectives. However, for the board of a local public school system that received any variation of a school performance letter grade of "C", "D", or "F", such contract shall establish performance targets at the school and district level as follows: (1) student achievement; (2) student achievement for schools that have received any variation of a school performance letter grade designation of "C", "D", or "F"; (3) graduation rates; (4) graduation rates for schools that have received any variation of a school performance letter grade designation of "C", "D", or "F"; and (5) the percentage of teachers with an "effective" or "highly effective" performance rating. Not less than thirty days prior to the termination of such a contract, the school board shall notify the superintendent of termination of employment under such contract, or in lieu thereof the board and the superintendent may negotiate and enter into a contract for subsequent employment.

* * *

Approved by the Governor, May 23, 2024.

A true copy:
Nancy Landry

ACT No. 194

HOUSE BILL NO. 124

BY REPRESENTATIVES BEAULLIEU AND TAYLOR
AN ACT

To amend and reenact Section 2 of Act No. 60 of the 2023 Regular Session of the Legislature of Louisiana and to repeal Section 3 of Act No. 60 of the 2023 Regular Session of the Legislature of Louisiana, relative to the Uniform Transfer to Minors Act; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 2 of Act No. 60 of the 2023 Regular Session of the Legislature of Louisiana is hereby amended and reenacted to read as follows:

Section 2. The provisions of this Act shall be given prospective application to all Uniform Transfer to Minor Accounts and retroactive application.

Section 2. Section 3 of Act No. 60 of the 2023 Regular Session of the Legislature of Louisiana is hereby repealed in its entirety.

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 195

HOUSE BILL NO. 134

BY REPRESENTATIVES ROMERO, AMEDEE, BOYER, BUTLER,
HENRY, JACOB LANDRY, MCCORMICK, MCMAHEN, SCHAMERHORN,
THOMPSON, AND WYBLE
AN ACT

To enact Chapter 15-B of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:5091 through 5093, relative to the regulation of fuel used in agricultural machinery and fishery equipment; to provide for a short title; to provide for definitions; to prohibit a parish or municipality from adopting any local law restricting the use or disposition on or imposing a fee or tax on agricultural machinery and fishery equipment; to prohibit local regulations that create differing standards for or distinguish fuel used in agricultural machinery and fishery equipment from other fuels or agricultural machinery and fishery equipment; to exempt the use of agricultural machinery used on property owned by a parish or municipality; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 15-B of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:5091 through 5093, is hereby enacted to read as follows:

CHAPTER 15-B. LOCAL REGULATION OF FUEL

USED IN AGRICULTURAL MACHINERY AND FISHERY EQUIPMENT

§5091. Short title

This Chapter shall be known and may be cited as the "Landscape and Fishery Equipment and Agricultural Fairness Act".

§5092. Definitions

For the purposes of this Chapter, the following definitions shall apply:

(1) "Agricultural machinery" means any machine or equipment designed for agricultural use or landscaping that is used in accordance with traditional farm practices and is powered by an engine or a motor. The term "agricultural machinery" shall also include a leaf-blower that is used to blow leaves, dirt, or other debris off of sidewalks, driveways, lawns, or other surfaces.

(2) "Fishery equipment" means any equipment used in fisheries operations and generally accepted fisheries practices pursuant to R.S. 56:640.2. This term includes but is not limited to fish processing machines and machines used for marine, freshwater, and aquaculture species.

(3) "Fuel used in agricultural machinery" includes motor fuel as defined by R.S. 40:1842(5) and petroleum products as defined by R.S. 3:4602(14)(b). The term "fuel used in agricultural machinery" shall also include blended fuel, diesel fuel, and gasoline as defined by R.S. 47:818.2.

§5093. Restrictions on authority; local regulations

A. No ordinance or regulation shall be adopted by a local governmental subdivision that prohibits or regulates with respect to the use, disposition, or sale or any imposition of a restriction, fee, or tax on fuel used in agricultural machinery and fishery equipment at the retail, manufacturer, or distributor setting, except by general law. This includes regulations that would create differing standards for or distinguish fuel used in agricultural machinery and fishery equipment from other types of fuels or agricultural machinery and fishery equipment.

B. Nothing in this Chapter shall apply to the use of agricultural machinery and fishery equipment on property owned by a parish or municipality.

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

HOUSE BILL NO. 136

BY REPRESENTATIVES JACKSON, ADAMS, BAYHAM, BERAULT,
BILLINGS, CARRIER, WILFORD CARTER, CARVER, CHASSION,
DEWITT, DOMANGUE, EMERSON, FISHER, GREEN, MIKE JOHNSON,
KERNER, MYERS, OWEN, SCHLEGEL, TAYLOR, THOMPSON, WALTERS,
WYBLE, AND EGAN AND SENATORS BARROW, BOUDREAUX, BOUIE,
CARTER, CLOUD, EDMONDS, HARRIS, HENRY, JACKSON-ANDREWS,
MCMATH, MIGUEZ, MILLER, MIZELL, MORRIS, PRESSLY, SEABAUGH,
TALBOT, AND WOMACK
AN ACT

To designate a portion of Louisiana Highway 175 in Mansfield, Louisiana, in DeSoto Parish as the "Jerius Marshall Highway"; to designate a portion of Louisiana Highway 133 in Start, Louisiana, in Richland Parish as the "Luke Letlow Memorial Highway"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of Louisiana Highway 175 from Par Road 552 to Par Road 49 in Mansfield, Louisiana, in DeSoto Parish shall be known and is hereby designated as the "Jerius Marshall Highway".

Section 2. The portion of Louisiana Highway 133 from Interstate 20 to Solon Bennett Road in Start, Louisiana, in Richland Parish shall be known and is hereby designated as the "Luke Letlow Memorial Highway".

Section 3. The Department of Transportation and Development or its contractors are hereby directed to erect and maintain appropriate signage reflecting these designations provided local or private monies are received by the department equal to the department's actual cost for material, fabrication, mounting posts, and installations of each sign, not to exceed the sum of five hundred fifty dollars per sign.

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 197

HOUSE BILL NO. 149

BY REPRESENTATIVE TRAVIS JOHNSON
AN ACT

To amend and reenact R.S. 26:494, relative to the regulation of alcoholic beverages in parishes and municipalities; to provide relative to the sale of certain alcoholic beverages in the town of Winnsboro; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:494 is hereby amended and reenacted to read as follows:
§494. Sale of beverages of high alcoholic content in violation of local ordinance

A. No person shall sell any beverages of high alcoholic content in violation of any lawful ordinance or regulation adopted by authority of this Part by any parish or municipality.

B. Notwithstanding the provisions of Subsection A of this Section, in the town of Winnsboro, a restaurant establishment whose average monthly revenue from the sale of food and nonalcoholic beverages equals or exceeds eighty percent may sell beverages of high alcoholic content until 11:00 p.m. each day of operation.

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 198

HOUSE BILL NO. 153

BY REPRESENTATIVES BACALA, ADAMS, CHASSION, EDMONSTON,
FISHER, GREEN, KNOX, LAFLEUR, MELERINE, MOORE, OWEN,
SELDERS, TAYLOR, THOMPSON, AND WYBLE
AN ACT

To amend and reenact R.S. 17:53(A)(3), 1944.1(D), and 1946(B) and to enact R.S. 17:173(D), 1944.1(E), 1946(E), and 1948(G), relative to special education; to require the inclusion of special education policy in school board member training requirements; to require the State Board of Elementary and Secondary Education to adopt rules relative to behavioral health services and provide for a dispute resolution process regarding such services; to require public school governing authorities to report annually to their special education advisory councils; to require the state board to adopt rules relative to such reports; to extend the prescriptive period for special education due process hearings; to authorize the state board to adopt rules for a special education early resolution process; to provide that certain written agreements developed through this process are enforceable in court; to require that cameras be installed in special education classrooms within a specified time frame upon parental request; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:53(A)(3), 1944.1(D), and 1946(B) are hereby amended and reenacted and R.S. 17:173(D), 1944.1(E), 1946(E), and 1948(G) are hereby enacted to read as follows:

§53. School board members; training required
A.

* * *

(3) The training and instruction referred to in Paragraphs (1) and (2) of this Subsection shall be in the school laws of this state, in the laws governing the powers, duties, and responsibilities of city, parish, and other local public school boards, and in educational trends, research, and policy. Such training and instruction also shall include education policy issues, including but not limited to special education, the minimum foundation program and formula, literacy and numeracy, leadership development, dropout prevention, career and technical education, redesigning high schools, early childhood education, school discipline, and harassment, intimidation, and bullying. Training also shall include instruction relative to the provisions of the Open Meetings Law, R.S. 42:11 et seq., and the ~~Public Bid Law~~, public bid law, Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950.

* * *

§173. Behavioral health services for students

* * *

D. The State Board of Elementary and Secondary Education shall adopt rules for the implementation of this Section and provide for a dispute resolution process relative to the services provided pursuant to this Section according to guidelines established by the state Department of Education.

* * *

§1944.1. Local special education advisory councils; creation; purpose

* * *

D.(1) Each local public school superintendent and the administrative head of each charter school shall provide for an annual report to be made to its special education advisory council, which shall contain, at minimum, the following information as it pertains to his respective system or school, as applicable:

(a) Special education financial data, including federal, state, and local funding.

(b) Subgroup academic data on students receiving special education and related services.

(c) Compliance violations relative to special education requirements.

~~(2) The State Board of Elementary and Secondary Education shall adopt rules for the implementation of this Subsection.~~ E. There shall be no liability or cause of action against the public school district, public charter school or other public school, or any officer or employee thereof for any action taken by members of the council.

* * *

§1946. Procedural safeguards

* * *

B.(1) The right of a parent or public agency to initiate a request for a special education due process hearing shall prescribe within ~~one year~~ two years of the date the parent or public agency knew or should have known about the alleged action that forms the basis of the request.

(2) The ~~one year two-year~~ timeline does not apply to a parent if the parent was prevented from filing the due process hearing request due to either specific misrepresentations by the local education agency that it had resolved the problem forming the basis of the due process hearing request or the local education agency's withholding of information from the parent that was required to be provided by this Chapter and the Individuals with Disabilities Education Improvement Act of 2004.

* * *

E.(1) The State Board of Elementary and Secondary Education may adopt rules for the implementation of an early resolution process for the purpose of establishing a nonadversarial means for individuals to resolve disputes with local education agencies concerning the requirements of this Part and the policies adopted by the state board for its implementation.

(2) A written agreement developed pursuant to the early resolution process is enforceable in any court of competent jurisdiction.

* * *

§1948. Cameras in certain classrooms; definitions; required policies; confidentiality; authorization of funding

* * *

G. Each public school governing authority shall install cameras within ninety days of receipt of a parental request as provided in this Section.

Approved by the Governor, May 23, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 199

HOUSE BILL NO. 155

BY REPRESENTATIVES THOMAS, AMEDEE, BILLINGS, BOYD, BRASS,
CARLSON, CHASSION, DEWITT, FISHER, GLORIOSO, HEBERT,
KERNER, KNOX, LAFLEUR, LYONS, SELDERS, ST. BLANC, TAYLOR,
THOMPSON, WALTERS, WILEY, AND WYBLE
AN ACT

To amend and reenact R.S. 37:1437(C)(1)(a) and (4)(a), 1437.3(E)(introductory paragraph) and (1), and 1442(B)(2), relative to real estate license requirements; to provide for applications for real estate broker or salesperson licensure; to provide for inactive licenses; to provide for license and registration issuance and renewal; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1437(C)(1)(a) and (4)(a), 1437.3(E)(introductory paragraph) and (1), and 1442(B)(2) are hereby amended and reenacted to read as follows:
§1437. Application for license

* * *

C.

* * *

(1)(a)(i) ~~All applicants~~ Each applicant for an initial individual real estate broker license shall have first been licensed for four years, with two of the four years occurring immediately preceding submission of a broker license application, and shall show evidence satisfactory to the commission that ~~they have~~ he has satisfactorily completed at least one hundred fifty hours of instruction, or its equivalent, in real estate courses approved by the commission. Satisfactory completion includes passage of an examination on course contents.

(ii) Notwithstanding Item (i) of this Subparagraph, nothing in this Paragraph prohibits a real estate broker, who failed to renew his license in accordance with R.S. 37:1442, from reapplying for an individual real estate broker license on or before December thirty-first of the year following the expiration date of his expired real estate broker license.

* * *

(4)(a) ~~All applicants for a salesperson's~~ Each applicant for an initial real estate salesperson license shall show evidence satisfactory to the commission that ~~they have~~ he has completed ninety hours or its equivalent of instruction in real estate coursework approved by the commission prior to licensure. Satisfactory completion includes passage of an examination on course contents.

* * *

§1437.3. Inactive license

* * *

E. An inactive licensee ~~will~~ shall not be required to fulfill the annual continuing education requirement ~~established~~ for active licensees on an annual basis; however, upon application to return to active license status, the inactive licensee shall have completed the continuing education specified as follows:

(1) Licensees remaining in the ~~active~~ inactive status for less than one year shall have completed the twelve-hour continuing education requirement for the previous year.

* * *

§1442. License and registration issuance and renewal

* * *

B.

* * *

(2) A licensee or registrant who fails to delinquentlly renew a license or registration by December thirty-first forfeits his renewal rights, and the former licensee or registrant shall be required to apply as an initial applicant and meet all requirements of an initial applicant. However, notwithstanding any other provision of this Chapter, ~~nothing in this Paragraph requires the former licensee or registrant to complete the ninety hours of real estate coursework, which is required prior to initial licensure pursuant to R.S. 37:1437. any of the following education otherwise required by R.S. 37:1437 if the licensee or registrant reapplies for that license or registration on or before December thirty-first of the year following the expiration date of his expired license or registration:~~

(a) The ninety hours of pre-license education required for an initial real estate salesperson license applicant.

(b) The one hundred fifty hours of pre-license education required for an initial real estate broker license applicant.

(c) The forty-five hours of post-license education required for initial real estate salespersons and real estate brokers.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 23, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 200

HOUSE BILL NO. 182

BY REPRESENTATIVE TRAVIS JOHNSON
AN ACT

To enact R.S. 33:2740.70.6, relative to the town of Ferriday; to create the Ferriday Downtown Entertainment District; to provide relative to the

boundaries, purpose, governance, and powers and duties of the district; to provide relative to district funding; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2740.70.6 is hereby enacted to read as follows:

§2740.70.6. Ferriday Downtown Entertainment District

A. There is hereby created within the town of Ferriday, as more specifically provided in Subsection B of this Section, a body politic and corporate which shall be known as the Ferriday Downtown Entertainment District, referred to in this Section as the “district”. The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.

B. The boundaries of the district shall include the area within the following perimeter: Texas Avenue, EE Wallace Boulevard, Mickey Gilley Avenue, and First Street.

C. The district is created to provide for cooperative economic and community development among the district, the city, the state, and the owners of property in the district, to enhance the development of and improvement to the property within the area of the district, and to expand the entertainment and leisure activities within the district. D.(1) In order to provide for the orderly development of the district and effect the purposes of the district, the district shall be administered and governed by a seven-member board of commissioners, referred to in this Section as the “board”, composed as follows:

(a) The mayor of the town of Ferriday shall appoint two members.

(b) The governing authority of the town of Ferriday shall appoint two members.

(c) The chief executive officer of Concordia Bank & Trust shall appoint one member.

(d) The chief executive officer of Delta Bank shall appoint one member.

(e) A representative of the Delta Museum appointed by the governing board of the museum.

(2) Members shall serve three-year terms after serving initial terms as provided in this Paragraph. Three members shall serve three-year initial terms, two members shall serve two-year initial terms, and two members shall serve one-year initial terms as determined by lot at the first meeting of the board.

(3) Any vacancy which occurs prior to the expiration of the term for which a member of the board has been appointed shall be filled by appointment in the same manner as the original appointment for the unexpired term.

(4) The board shall elect from its members a chairman, a vice chairman, a secretary-treasurer, and other officers as it deems necessary. The duties of the officers shall be fixed by the bylaws adopted by the board.

(5) The minute books and archives of the district shall be maintained by the secretary-treasurer of the board. The monies, funds, and accounts of the district shall be in the official custody of the board.

(6) The board shall adopt rules and regulations as it deems necessary or advisable for conducting its business affairs. Rules and regulations of the board relative to the notice and conduct of meetings shall conform to applicable law. The board shall hold regular meetings as provided for in the bylaws and may hold special meetings at such times and places within the district as prescribed in the bylaws.

(7) A majority of the members of the board constitutes a quorum for the transaction of business. The board shall keep minutes of all meetings and shall make them available through the secretary-treasurer of the board.

(8) The members of the board shall serve without compensation but shall be reimbursed for reasonable out-of-pocket expenses directly related to the governance of the district.

E. The district, acting by and through its board, shall have and exercise all powers of a political subdivision necessary or convenient for carrying out its objects and purposes, including but not limited to the following:

(1) To sue and be sued.

(2) To adopt, use, and alter at will a corporate seal.

(3) To acquire by gift, grant, purchase, or lease all property, including rights-of-way; to hold and use any franchise or property, immovable or movable, corporeal or incorporeal, or any interest therein, necessary or desirable for carrying out the objects and purposes of the district.

(4) To receive by gift, grant, or donation, any sum of money, including rural development funds, or property, aid, or assistance from the United States, the state of Louisiana, or any political subdivision thereof, or any person, firm, or corporation.

(5) To enter into contracts for the purchase, lease, acquisition, construction, and improvement of works and facilities necessary in connection with the purposes of the district and to mortgage its properties and enter into leases and other agreements on terms the board approves.

(6) To require and issue licenses with respect to properties and facilities owned by the district.

(7) To regulate the imposition of fees and rentals charged by the district for facilities owned and services rendered by it and to impose fees on the use or occupancy of any other property within but not owned by the district with the consent of the owner of such property.

(8) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

(9) To enter into cooperative endeavor agreements with any other party, public or private, to accomplish the purposes of this Section.

F.(1) The board shall prepare or cause to be prepared a plan or plans specifying the public improvements, facilities, and services proposed to be furnished, constructed, or acquired for the district and shall conduct public hearings, publish notice with respect thereto, and disseminate information as it, in the exercise of its sound discretion, deems to be appropriate or advisable and in the public interest.

(2) Any plan may specify and encompass any public services, capital improvements, and facilities which the town of Ferriday is authorized to undertake, furnish, or provide under the constitution and laws of the state of Louisiana, and the specified public services, improvements, and facilities shall be special and in addition to all services, improvements, and facilities which the town is then furnishing or providing or may then or in the future be obligated to furnish or provide within the district.

(3) Any plan shall include an estimate of the annual and total cost of acquiring, constructing, or providing the services, improvements, or facilities set forth therein.

G.(1) In addition to the authority provided to the district by this Section, the district may levy and collect a sales and use tax within the boundaries of the district not to exceed two-tenths of a percent.

(2) The tax shall be imposed by resolution of the board and shall be levied upon the sale at retail, the use, the lease or rental, the consumption, the distribution, and the storage for use or consumption of tangible personal property, and upon the sales of services within the boundaries of the district, all as defined in R.S. 47:301 et seq. However, the resolution imposing the tax shall be adopted only after the proposed tax is approved by a majority of the qualified electors of the district voting on the proposition at an election held for that purpose and conducted in accordance with the Louisiana Election Code and held on a date that corresponds with an election date provided by R.S. 18:402(A)(1), (B)(1), or (C)(1). The purpose and rate of the tax shall be as provided in the resolution.

(3) Except where inapplicable, the procedure established by R.S. 47:301 et seq. shall be followed in the imposition, collection, and enforcement of the tax, and procedural details necessary to supplement those Sections and to make them applicable to the tax authorized in this Subsection shall be fixed in the resolution imposing the tax.

(4) The tax shall be imposed and collected uniformly throughout the jurisdiction of the district.

(5) The tax levied pursuant to this Subsection shall be in addition to all other taxes other political subdivisions within the jurisdiction of the district are authorized to levy and collect.

(6) The district shall have no other power of taxation, except as provided in this Subsection.

H.(1)(a) In addition to any authority provided to the district by this Section, the district shall have the authority provided to an economic development district by Part II of Chapter 27 of this Title to implement tax increment financing and may issue revenue bonds payable from an irrevocable pledge and dedication of up to the full amount of tax increments available to an economic development district as provided in this Section and in that Part to be derived from any project or projects of the district as provided for in this Section, or parts of the projects, in an amount to be determined as provided for in this Section, in order to finance or refinance any project or projects, or parts thereof, which are consistent with the purposes of the district.

(b) Notwithstanding any provision of law to the contrary, any portion of the tax of any local governmental subdivision or other tax recipient body may be used as a tax increment for tax increment finance purposes only with the consent of the local governmental subdivision or other tax recipient body expressed by ordinance or resolution and upon approval of a majority of the qualified electors of the town of Ferriday voting at an election held for that purpose and conducted in accordance with the Louisiana Election Code.

(2) For purposes of the tax increment financing authority derived from Part II of Chapter 27 of this Title which is conferred upon the district by this Section, and only for purposes of this Section, “local governmental subdivision” as defined in such Part shall include the parish of Concordia and all political subdivisions within the parish.

(3) For purposes of this Section, a tax increment shall consist of that portion of any tax, excluding a hotel occupancy tax, levied within the district by a local governmental subdivision or other tax recipient body determined and pledged in the manner provided for in Part II of Chapter 27 of this Title. However, if the proceeds of any tax have been expressly dedicated to another purpose set forth in a proposition approved by the electorate of the local governmental subdivision or other tax recipient body, then the tax proceeds shall not be used as a tax increment until a proposition which authorizes the use is submitted to and approved by the electorate.

(4) Notwithstanding any other provision of law to the contrary, the district shall not levy a hotel occupancy tax within the boundaries of the district. In addition, the district shall not issue revenue bonds payable from an irrevocable pledge and dedication of hotel occupancy tax increments.

I. This Section, being necessary for the welfare of the city and its residents, shall be liberally construed to effect the purposes thereof.

Section 2. This Act shall become effective on July 1, 2024; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2024, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry

ACT No. 201

HOUSE BILL NO. 183

BY REPRESENTATIVE LACOMBE AND SENATOR JACKSON-ANDREWS
AN ACT

To enact R.S. 40:539(C)(8)(q), relative to the civil service status of employees of the New Roads Public Housing Authority; to provide that employees of the authority shall not be in the state civil service; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:539(C)(8)(q) is hereby enacted to read as follows:

§539. Selection of chairman and vice chairman; executive director; hiring of employees

* * *

C.

* * *

(8)

* * *

(q) Notwithstanding Subparagraph (a) of this Paragraph or of any other law to the contrary, the New Roads Public Housing Authority shall not be considered an instrumentality of the state for purposes of Article X, Section 1(A) of the Constitution of Louisiana, and employees of the authority shall not be included in the state civil service.

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 202

HOUSE BILL NO. 185

BY REPRESENTATIVE NEWELL
AN ACT

To enact R.S. 33:9091.28, relative to Orleans Parish; to create the Castle Manor Improvement District; to provide relative to the boundaries, purpose, governance, and powers and duties of the district; to provide relative to district funding; to authorize the city, subject to voter approval, to impose and collect a parcel fee for the district; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9091.28 is hereby enacted to read as follows:

§9091.28. Castle Manor Improvement District

A. Creation. There is hereby created within the parish of Orleans, as more specifically provided in Subsection B of this Section, a body politic and corporate known as the Castle Manor Improvement District, referred to in this Section as the "district". The district is a political subdivision of the state as defined in the Constitution of Louisiana.
B. Boundaries. The district is comprised of all property included within the following perimeter: Cerise Avenue, the south side of Chef Menteur Highway, Gawain Drive, and the north side of Dwyer Road canal.

C. Purpose. The district is established for the primary objects and purposes of promoting and encouraging the beautification and security of the district.

D. Governance. (1) The district shall be managed by a seven-member board of commissioners, referred to in this Section as the "board". The board shall be composed as follows:

(a) The president of the Castle Manor Improvement Association.

(b) The governing board of the Castle Manor Improvement Association shall appoint two members.

(c) Each of the following shall appoint one member from a list of nominees submitted by the Castle Manor Improvement Association:

(i) The mayor of the city of New Orleans.

(ii) The member of the Louisiana House of Representatives whose district encompasses all or the greater portion of the area of the district.

(iii) The member of the Louisiana Senate whose district encompasses all or the greater portion of the area of the district.

(iv) The member of the governing authority of the city of New Orleans whose council district encompasses all or the greater portion of the area of the district.

(2) All members of the board shall be residents and qualified voters of the district.

(3)(a) Board members serving pursuant to Subparagraphs (1)(b) through (f) of this Subsection shall serve four-year terms after initial terms as follows: one member shall serve an initial term of one year; two shall serve two years; two shall serve three years; and one shall serve four years, as determined by lot at the first meeting of the board.

(b) The member serving pursuant to Subparagraph (1)(a) of this Subsection shall serve during his term of office as president of the Castle Manor Improvement Association.

(c) Any vacancy which occurs prior to the expiration of a term shall be

filled for the remainder of the unexpired term by the governing board of the Castle Manor Improvement Association. Board members are eligible for reappointment.

(4) The board shall elect from its members a chairman, a vice chairman, a secretary, a treasurer, and other officers as it deems necessary. The duties of the officers shall be fixed by the bylaws adopted by the board.

(5) The secretary or the treasurer of the board shall maintain the minute books and archives of the district. The monies, funds, and accounts of the district shall be in the official custody of the board.

(6) The board may adopt rules and regulations for conducting its business affairs. Rules and regulations of the board relative to the notice and conduct of meetings shall conform to applicable law, including laws relative to open meetings. The board shall hold regular meetings and may hold special meetings at times and places within the district as prescribed in the bylaws.

(7) A majority of the members of the board constitutes a quorum for the transaction of business. The board shall keep minutes of all meetings and shall make them available through the secretary of the board to residents of the district.

(8) The members of the board shall serve without compensation but shall be reimbursed for reasonable out-of-pocket expenses directly related to the governance of the district.

(9) Each member of the board has one vote. The vote of a majority of the members of the board present and voting, a quorum being present, is required to decide any question upon which the board takes action.

E. Powers and duties. The district, acting through its board, shall have the following powers and duties:

(1) To sue and be sued.

(2) To adopt, use, and alter at will a corporate seal.

(3) To receive and expend funds collected pursuant to Subsections F and G of this Section and in accordance with a budget adopted as provided by Subsection H of this Section.

(4) To enter into contracts with individuals or entities, private or public.

(5) To provide or enhance security patrols in the district, to provide for improved lighting, signage, or matters relating to the security and beautification of the district.

(6) To enter into contracts and agreements with one or more other districts for the joint security, improvement, or betterment of all participating districts.

(7) To provide for services and make expenditures as the board deems proper for the upkeep and beautification of the district.

(8) To acquire or lease items and supplies that the board deems instrumental to achieving the purposes of the district.

(9) To procure and maintain liability insurance against any personal or legal liability of a board member that may be asserted or incurred based upon his service as a member of the board or that may arise as a result of his actions taken within the scope and discharge of his duties as a member of the board.

(10) To perform or have performed any other function or activity necessary or appropriate to carry out the purposes of the district or for the overall betterment of the district.

F. Parcel fee. The governing authority of the city of New Orleans may impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection:

(1) The amount of the fee shall be as requested by duly adopted resolution of the board. The fee shall not exceed the following amounts:

(a) For parcels zoned residential, one hundred dollars per parcel per year for the first three years that the fee is collected and one hundred twenty-five dollars per parcel per year for the next two years of collection.

(b) For parcels zoned commercial, two hundred dollars per parcel per year for the first three years that the fee is collected and two hundred twenty-five dollars per parcel per year for the next two years of collection.

(2)(a) The fee shall be imposed on each parcel located within the district except a parcel whose owner qualifies for the special assessment level pursuant to Article VII, Section 18(G)(1) of the Constitution of Louisiana.

(b) For purposes of this Section, "parcel" means a lot, a subdivided portion of ground, an individual tract, or a "condominium parcel" as defined in R.S. 9:1121.103.

(c) The owner of each parcel is responsible for payment of the fee.

(3)(a) The fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district who vote on the proposition at an election held for that purpose in accordance with the Louisiana Election Code.

(b) The initial term for the imposition of the parcel fee is five years, but the fee may be renewed if approved by a majority of the registered voters of the district voting on the proposition at an election as provided in Subparagraph (a) of this Paragraph. Any election to authorize the renewal of the fee shall be held for that purpose in accordance with the Louisiana Election Code. If the fee is renewed, the amount of the fee shall not exceed one hundred twenty-five dollars per parcel per year for residential parcels and two hundred twenty-five dollars per parcel per year for commercial parcels. If the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed five years. If the fee is not renewed, the district shall cease to exist.

(4) The fee shall be collected at the same time and in the same manner as city ad valorem taxes are collected.

(5) Any parcel fee which is unpaid shall be added to the tax rolls of the city and shall be enforced with the same authority and subject to the same

penalties and procedures as unpaid ad valorem taxes.

(6)(a) The city of New Orleans shall remit to the district all amounts collected not more than sixty days after collection.

(b) The district shall use the proceeds of the fee solely and exclusively for the purpose and benefit of the district; however, the city may retain one percent of the amount collected as a collection fee.

G. Additional contributions. The district may solicit and accept additional voluntary contributions and grants to further the purposes of the district.

H. Budget. (1) The board of commissioners shall adopt an annual budget in accordance with the Local Government Budget Act, R.S. 39:1301 et seq.

(2) The district shall be subject to audit by the legislative auditor pursuant to R.S. 24:513.

I. Miscellaneous provisions. (1) It is the purpose and intent of this Section that any additional security patrols, public or private, or any other security or other services or betterments provided by the district shall be supplemental to and not be in lieu of personnel and services to be provided in the district by the state or the city of New Orleans or their departments or agencies or by other political subdivisions.

(2) If the district ceases to exist, the board shall transmit all district funds to the city of New Orleans, and such funds, together with any other funds collected by the city of New Orleans pursuant to this Section, shall be maintained in a separate account by the city and shall be used only to promote, encourage, and enhance the security of the area included in the district.

J. Indemnification and exculpation. (1) The district shall indemnify its officers and board members to the fullest extent permitted by R.S. 12:227, as fully as if the district were a nonprofit corporation governed thereby, and as provided in the district's bylaws.

(2) No board member or officer of the district is liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages for breach of his duties as a board member or officer; however, the foregoing provision does not eliminate or limit the liability of a board member or officer for any of the following:

(a) Acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.

(b) Any transaction from which he derived an improper personal benefit.

(3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S. 9:2792.1 through 2792.9, a person serving the district as a board member or officer shall not be held individually liable for any act or omission arising out of the performance of his duties.

Approved by the Governor, May 23, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 203

HOUSE BILL NO. 187
BY REPRESENTATIVE VILLIO
AN ACT

To enact R.S. 33:2494(C)(6), relative to the city of Kenner; to provide relative to the classified police service; to provide relative to the certification and appointment of eligible persons; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2494(C)(6) is hereby enacted to read as follows:

§2494. Certification and appointment

* * *

C.

* * *

(6) Notwithstanding any other provision of law to the contrary, in the city of Kenner, a vacant position in the police department shall be filled in the following manner:

(a) If a vacancy cannot be filled by reinstatement or by reemployment as provided in Subsections A and B of this Section, the board shall next certify the names of the persons on the promotional list, in the order in which they appear thereon, for the class in which the vacancy is to be filled.

(b) The appointing authority shall select and appoint to any vacancy to be filled a person certified to him whose name appears on the promotional list for the class for which he was tested as a person who is among the three highest in departmental seniority.

* * *

Approved by the Governor, May 23, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 204

HOUSE BILL NO. 188
BY REPRESENTATIVE WYBLE
AN ACT

To amend and reenact R.S. 17:52(E)(1) and to enact R.S. 17:52(F), relative to

eligibility for membership on a school board; to provide that possession of a high school diploma is required for service on a school board; to provide that a person who has been convicted of or has pled nolo contendere to certain crimes is not eligible to serve on a school board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:52(E)(1) is hereby amended and reenacted and R.S. 17:52(F) is hereby enacted to read as follows:

§52. Election and qualification of members; term of office

* * *

E.(1) Any person who at the time of qualification as a candidate for the school board has attained the age of eighteen, possesses a high school diploma or its equivalent as determined by the State Board of Elementary and Secondary Education, has resided in the state for the preceding two years, and has been actually domiciled for the preceding year in the parish, ward, or district from which he seeks election is eligible for membership on the school board. However, at the next regular election for members of the school board following a reapportionment, an elector may qualify as a candidate from any district created in whole or in part from a district existing prior to reapportionment if he was domiciled in the prior district for at least one year immediately preceding his qualification and was a resident of the state for the two years preceding his qualification.

* * *

F. Any person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) is not eligible to qualify as a candidate for membership on a school board.

Approved by the Governor, May 23, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 205

HOUSE BILL NO. 193
BY REPRESENTATIVES TURNER AND CHASSION
AN ACT

To enact R.S. 40:978(I), relative to prescribing controlled substances; to authorize the transfer of a prescription or prescription information for controlled substances between pharmacies; to require conformance with certain federal provisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:978(I) is hereby enacted to read as follows:

§978. Prescriptions

* * *

I. The transfer between pharmacies of a prescription or prescription information for controlled substances is permissible in conformance with 21 CFR Part 1306.

Approved by the Governor, May 23, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 206

HOUSE BILL NO. 218
BY REPRESENTATIVE BAGLEY
AN ACT

To enact R.S. 40:1501.9, relative to Caddo Parish Fire District No. 4; to authorize the district to levy a sales and use tax, subject to voter approval; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1501.9 is hereby enacted to read as follows:

§1501.9. Caddo Parish Fire District No. 4; authority to levy sales and use tax
A. Notwithstanding any other provision of law to the contrary, Caddo Parish Fire District No. 4 may levy and collect a sales and use tax not to exceed one percent pursuant to the provisions of Article VI, Section 30 of the Constitution of Louisiana. Caddo Parish Fire District No. 4 may levy the tax only if the levy of the tax is approved by a majority of the qualified electors of the district voting on the proposition at an election held for that purpose and conducted in accordance with the Louisiana Election Code and held on a date that corresponds with an election date provided by R.S. 18:402(A)(1) or (B)(1).

B. The proceeds of the tax authorized by this Section shall be used for maintaining and operating fire protection facilities, for obtaining water for fire protection purposes, or for any other lawful purpose as determined by the governing board.
C. The sales and use tax so levied shall be imposed by an ordinance of the district and shall be levied upon the sale at retail, the use, the lease or rental, the consumption, the storage for use or consumption of tangible personal property, and on sales of services in the district, all as defined in Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950.

D. The tax shall be in addition to all other authorized sales and use taxes

and shall be collected at the same time and in the same manner as other local sales and uses taxes.

Section 2. Notwithstanding the provisions of R.S. 40:1501.9(A) as enacted by this Act, in 2025 only, the governing authority of Caddo Parish Fire District No. 4 may call the election provided for in R.S. 40:1501.9(A) on a date that corresponds with an election date provided by R.S. 18:402(F).

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 207

HOUSE BILL NO. 230
BY REPRESENTATIVE HILFERTY
AN ACT

To amend and reenact Code of Criminal Procedure Article 582, relative to post conviction relief; to provide with respect to time limitations for commencing a new trial once a mistrial has been declared or a defendant obtains a new trial; to specify that a new trial may be obtained through a motion for new trial, appeal, post conviction relief, or any other mechanism provided in state or federal law; to provide that the time delays apply to all of those circumstances; to provide that if the state seeks review of the granting of the new trial, time limitations do not commence to run until the judgment granting the new trial has become final by the state exhausting all avenues of appeal and review; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 582 is hereby amended and reenacted to read as follows:

Art. 582. Time limitations; effect of new trial

A. When a defendant obtains a new trial through a motion for new trial, appeal, post conviction relief, or any other mechanism provided in state or federal law, or when there is a mistrial, the state must shall commence the second trial within one year from the date the new trial is granted, or the mistrial is ordered, or within the period established by Article 578, whichever is longer.

B. If the state seeks review of the granting of the new trial, the period of limitations in this Article shall not commence to run until the judgment granting the new trial has become final by the state exhausting all avenues of review in the appropriate appellate courts, including the Louisiana Supreme Court.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 208

HOUSE BILL NO. 232
BY REPRESENTATIVE MUSCARELLO
AN ACT

To amend and reenact R.S. 10:3-416(b) and (c), 3-417(b), (c), and (e), 4-207(c) and (d), and 4-208(b), (c), and (e), relative to warranties for negotiable instruments and bank deposits and collections; to provide for breach of warranty notice requirement procedures; to provide for liability of parties; to provide for attorney fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 10:3-416(b) and (c), 3-417(b), (c), and (e), 4-207(c) and (d), and 4-208(b), (c), and (e) are hereby amended and reenacted to read as follows:

§3-416. Transfer warranties

* * *

(b) A person to whom the warranties under Subsection (a) of this Section are made and who took the instrument in good faith may recover from the warrantor as damages for breach of warranty an amount equal to the loss suffered as a result of the breach, but not more than the amount of the instrument plus expenses and loss of interest incurred as a result of the breach. If the person to whom the warranties are made sends written notice by certified or registered mail or commercial courier to the warrantor of its claim for breach of warranty and the warrantor fails to pay the claim within thirty days after receiving the notice, the expenses of the person to whom the warranties are made shall include reasonable attorney fees.

(c) The warranties stated in Subsection (a) of this Section cannot be disclaimed with respect to checks. Unless notice of a claim for breach of warranty is given to the warrantor within 30 days after the claimant has reason to know of the breach and the identity of the warrantor, the liability of the warrantor under Subsection (b) of this Section is discharged to the extent of any loss caused by the delay in giving notice of the claim.

* * *
§3-417. Presentment warranties

* * *

(b) A drawee making payment may recover from any warrantor damages for breach of warranty equal to the amount paid by the drawee less the amount the drawee received or is entitled to receive from the drawer because of the payment. In addition, the drawee is entitled to compensation for expenses and loss of interest resulting from the breach. If the drawee making payment sends written notice by certified or registered mail or commercial courier to the warrantor of its claim for breach of warranty and the warrantor fails to pay the claim within thirty days after receiving the notice, the expenses of the person to whom the warranties are made shall include reasonable attorney fees. The right of the drawee to recover damages under this Subsection is not affected by any failure of the drawee to exercise ordinary care in making payment. If the drawee accepts the draft, breach of warranty is a defense to the obligation of the acceptor. If the acceptor makes payment with respect to the draft, the acceptor is entitled to recover from any warrantor for breach of warranty the amounts stated in this Subsection.

(c) If a drawee asserts a claim for breach of warranty under Subsection (a) of this Section based on an unauthorized indorsement of the draft or an alteration of the draft, the warrantor may defend by proving that the indorsement is effective under R.S. 10:3-404 or 10:3-405 or the drawer is precluded under R.S. 10:3-406 or 10:4-406 from asserting against the drawee the unauthorized indorsement or alteration.

* * *

(e) The warranties stated in Subsections (a) and (d) of this Section cannot be disclaimed with respect to checks. Unless notice of a claim for breach of warranty is given to the warrantor within 30 days after the claimant has reason to know of the breach and the identity of the warrantor, the liability of the warrantor under Subsection (b) or (d) of this Section is discharged to the extent of any loss caused by the delay in giving notice of the claim.

* * *

§4-207. Transfer warranties

* * *

(c) A person to whom the warranties under Subsection (a) of this Section are made and who took the item in good faith may recover from the warrantor as damages for breach of warranty an amount equal to the loss suffered as a result of the breach, but not more than the amount of the item plus expenses and loss of interest incurred as a result of the breach. If the person to whom the warranties are made sends written notice by certified or registered mail or commercial courier to the warrantor of its claim for breach of warranty and the warrantor fails to pay the claim within thirty days after receiving the notice, the expenses of the person to whom the warranties are made shall include reasonable attorney fees.

(d) The warranties stated in Subsection (a) of this Section cannot be disclaimed with respect to checks. Unless notice of a claim for breach of warranty is given to the warrantor within 30 days after the claimant has reason to know of the breach and the identity of the warrantor, the warrantor is discharged to the extent of any loss caused by the delay in giving notice of the claim.

* * *

§4-208. Presentment warranties

* * *

(b) A drawee making payment may recover from a warrantor damages for breach of warranty equal to the amount paid by the drawee less the amount the drawee received or is entitled to receive from the drawer because of the payment. In addition, the drawee is entitled to compensation for expenses and loss of interest resulting from the breach. If the drawee making payment sends written notice by certified or registered mail or commercial courier to the warrantor of its claim for breach of warranty and the warrantor fails to pay the claim within thirty days after receiving the notification, the expenses of the person to whom the warranties are made shall include reasonable attorney fees. The right of the drawee to recover damages under this Subsection is not affected by any failure of the drawee to exercise ordinary care in making payment. If the drawee accepts the draft (i) breach of warranty is a defense to the obligation of the acceptor, and (ii) if the acceptor makes payment with respect to the draft, the acceptor is entitled to recover from a warrantor for breach of warranty the amounts stated in this Subsection.

(c) If a drawee asserts a claim for breach of warranty under Subsection (a) of this Section based on an unauthorized indorsement of the draft or an alteration of the draft, the warrantor may defend by proving that the indorsement is effective under R.S. 10:3-404 or 10:3-405 or the drawer is precluded under R.S. 10:3-406 or 10:4-406 from asserting against the drawee the unauthorized indorsement or alteration.

* * *

(e) The warranties stated in Subsections (a) and (d) of this Section cannot be disclaimed with respect to checks. Unless notice of a claim for breach of warranty is given to the warrantor within 30 days after the claimant has reason to know of the breach and the identity of the warrantor, the warrantor is discharged to the extent of any loss caused by the delay in giving notice of the claim.

* * *

Approved by the Governor, May 23, 2024.

A true copy:

Nancy Landry
Secretary of State

ACT No. 209

HOUSE BILL NO. 237
BY REPRESENTATIVE NEWELL
AN ACT

To amend and reenact R.S. 33:9091.23(B), (D), (E)(4), (F)(1), (2)(b) and (c), and (3), and (D)(1), relative to Orleans Parish; to provide relative to the Faubourg Marigny Security and Improvement District; to provide relative to the boundaries, governance, and powers and duties of the district; to provide relative to the parcel fee imposed within the district; to provide relative to the amount, expiration, and renewal of the fee; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9091.23(B), (D), (E)(4), (F)(1), (2)(b) and (c), and (3), and (D)(1) are hereby amended and reenacted read as follows:

§9091.23. Faubourg Marigny Security and Improvement District

* * *

B. Boundaries. The boundaries of the district shall be that area within and including the following perimeter: beginning at the intersection of Esplanade Avenue and North Peters Street proceeding along Esplanade Avenue (interior side) to its intersection with North Rampart Street, along North Rampart (~~interior side~~) (both sides) to ~~McShane Place~~ Joseph Guillaume Place, along ~~McShane Place~~ (~~interior side~~) Joseph Guillaume Place (both sides) to St. Claude Avenue, then proceeding along St. Claude Avenue (~~interior side~~) (both sides) to its intersection with ~~Press Street~~ Homer Plessy Way, then proceeding along ~~Press Street~~ Homer Plessy Way (interior side) to its intersection with Chartres Street, then proceeding along Chartres Street (both sides) to its intersection with St. Ferdinand Street, along St. Ferdinand Street (both sides) to its intersection with North Peters Street, and along North Peters Street (both sides) back to its intersection with Esplanade Avenue.

* * *

D. Governance. ~~(1) The district shall be governed by a board of commissioners consisting of seven members as follows:~~

~~(a) The board of directors of the Faubourg Marigny Improvement Association shall appoint three members.~~

~~(b) The member or members of the Louisiana House of Representatives who represent the area which comprises the district shall appoint one member.~~

~~(c) The member or members of the Louisiana Senate who represent the area which comprises the district shall appoint one member.~~

~~(d) The member or members of the governing authority of the city of New Orleans who represent the area which comprises the district shall appoint one member.~~

~~(e) The mayor of the city of New Orleans shall appoint one member.~~

~~(2) All members shall be qualified voters and residents of the district.~~

~~(3) Board members appointed pursuant to Subparagraph (1)(a) of this Subsection shall serve two year terms after serving initial terms as provided in this Paragraph. One member shall serve an initial term of one year and two shall serve initial terms of two years, as determined by lot at the first meeting of the board held after such members are appointed.~~

~~(4) Each member serving pursuant to Subparagraphs (1)(b) through (c) of this Subsection shall serve on the board during the term of his respective appointing authority.~~

~~(5) Any vacancy which occurs prior to the expiration of the term for which a member of the board has been appointed shall be filled for the remainder of the unexpired term in the same manner as the original appointment. Board members shall be eligible for reappointment.~~~~(6) The board shall elect from its members a chairman, a vice chairman, a secretary-treasurer, and other such officers as it may deem necessary. The duties of the officers shall be fixed by the bylaws adopted by the board.~~

~~(7) The minute books and archives of the district shall be maintained by the secretary-treasurer of the board. The monies, funds, and accounts of the district shall be in the official custody of the board.~~

~~(8) The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs. Rules and regulations of the board relative to the notice and conduct of meetings shall conform to applicable law. The board shall hold regular meetings as shall be provided for in the bylaws and may hold special meetings at such times and places within the district as may be prescribed in the bylaws.~~

~~(9) A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall keep minutes of all meetings and shall make them available through the secretary-treasurer of the board.~~

~~(10) The members of the board shall serve without compensation but shall be reimbursed for reasonable out-of-pocket expenses directly related to the governance of the district.~~

~~(1) The board of directors of the Faubourg Marigny Improvement Association shall manage the affairs of the district, referred to in this Section as the "board".~~

~~(2) The board shall elect from its members a chairman, a vice chairman, a treasurer, a secretary, and other officers as it deems necessary. The duties of the officers shall be fixed by the bylaws adopted by the board.~~

~~(3) The monies, funds, and accounts of the district shall be in the official~~

custody of the board and not commingled with that of the Faubourg Marigny Improvement Association. The financial books and records of the district shall be maintained by the treasurer of the board.

(4) The board shall keep minutes of all meetings and shall make them available through the secretary of the board. The minute books and archives of the district shall be maintained by the secretary of the board.

(5) The board shall adopt rules and regulations as it deems necessary or advisable for conducting its business affairs. Rules and regulations of the board relative to the notice and conduct of meetings shall conform to applicable law. The board shall hold regular meetings as provided for in the bylaws and may hold special meetings at such times and places within the district as prescribed in the bylaws.

(6) A majority of the members of the board constitutes a quorum for the transaction of business.

(7) The members of the board shall serve without compensation but shall be reimbursed for reasonable out-of-pocket expenses directly related to the governance of the district.

E. Powers and duties. The district, acting through its board, shall have the following powers and duties:

* * *

~~(4) To perform or have performed any other function or activity necessary for the achievement of the purpose of the district~~ To enter into any cooperative endeavor between or among the district and the state, any of its local governmental subdivisions, political corporations, or public benefit corporations; the United States or its agencies; or any public or private association, corporation, or individual. The term "cooperative endeavor" shall include but not be limited to cooperative financing and cooperative development.

* * *

F. Parcel fee. The governing authority of the city of New Orleans may impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection.

~~(1)(a) The amount of the fee shall be as requested by duly adopted resolution of the board. The fee shall be a flat fee per parcel of land not to exceed two hundred dollars per year for each unimproved parcel and improved residential parcel with fewer than three family units, except that the fee shall be three hundred dollars per year for each improved residential parcel with three or more family units, and five hundred dollars per year for each improved parcel zoned for commercial use. No fee shall be imposed upon any parcel whose owner qualifies for the special assessment level provided by Article VII, Section 18(G)(1) of the Constitution of Louisiana.~~

~~(b) If multiple adjacent parcels are combined for the purpose of housing a single family dwelling, the flat fee for the combined parcel shall be calculated to be one and four tenths times the single parcel fee for two adjacent parcels and one and six tenths times the single parcel fee for three or more adjacent parcels. The fee for the initial calendar year shall be a flat fee per parcel of land not to exceed two hundred fifty dollars per year for each unimproved residential parcel and each improved residential parcel with a single dwelling unit, except that the fee shall be three hundred dollars per year for each improved residential parcel with two dwelling units, five hundred dollars per year for each improved residential parcel with three to four dwelling units, seven hundred fifty dollars per year for each improved residential parcel with five to nine dwelling units, twelve hundred fifty dollars per year for each improved residential parcel with ten or more dwelling units, five hundred dollars per year for each unimproved parcel zoned for commercial use, and eighteen hundred dollars per year for each improved parcel, residential or commercial, used for the purposes of a rooming and boarding house, bed and breakfast, hostel, hotel/motel, etc., referred to in this Section as "transient housing". The fee amounts provided for in this Subparagraph shall be increased by twenty-five dollars per year for each calendar year after the initial calendar year.~~

~~(b) For improved residential parcels whose owner qualifies for a special assessment level pursuant to Article VII, Section 18(G)(1) of the Constitution of Louisiana, the fee shall be assessed at fifty percent of the respective fee amount; however, no reduction shall apply to improved parcels used for the purposes of transient housing.~~

~~(c) If multiple adjacent parcels are combined for the purpose of housing a single family dwelling, the flat fee for the combined parcel shall be calculated to be one and four tenths times the single parcel fee for two adjacent parcels and one and six tenths times the single parcel fee for three or more adjacent parcels.~~

~~(d) Any improved parcel consisting of both commercial and residential uses shall be considered commercial for purposes of this Section if comprised of fewer than five dwelling units and considered residential if comprised of five or more dwelling units.~~

(2)

* * *

~~(b) For purposes of this Section, "parcel" means a lot, a subdivided portion of ground, an individual tract, or a "condominium parcel" as defined in R.S. 9:1121.103. Thus, with respect to condominiums, the fee collector shall impose the parcel fee on each lot on which condominiums are situated and not on individual condominium units.~~

~~(c) The owner of each parcel shall be responsible for payment of the fee. The tax collector shall submit the bill for a parcel fee which is to be collected from condominium owners to the condominium owners association and the~~

association shall pay the fee from the funds available for that purpose. The association shall remain liable for the entire fee until it is paid.

(3)(a) The fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district who vote on the proposition at an election held for the purpose in accordance with the Louisiana Election Code. No other election shall be required except as provided by this Paragraph.

(b) If approved, the initial fee shall expire ~~on December 31, 2018 at the end of the term provided for in the proposition authorizing the fee, not to exceed eight years,~~ but the fee may be renewed if approved by a majority of the registered voters of the district voting on the proposition at an election as provided in Subparagraph (a) of this Paragraph. If renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed ~~four~~ eight years.

I. Miscellaneous provisions. (1) It is the purpose and intent of this Section that ~~the any additional law enforcement or security personnel and their services provided for security patrols, public or private, or any other security or other services or betterments provided by the district through the fees authorized in this Section shall be supplemental to and not in lieu of personnel and services to be provided in the district by the New Orleans Police Department state or the city of New Orleans or their departments or agencies or by other political subdivisions.~~

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 23, 2024.

A true copy:
Nancy Landry
Secretary of State

ACT No. 210

HOUSE BILL NO. 240
BY REPRESENTATIVE ROMERO
AN ACT

To amend and reenact R.S. 3:4602, 4622(B)(1), (2), and (3), (C), (D), (E), and (G), and 4624 and to enact R.S. 3:4622(F) and (H), relative to weighing and measuring devices; to provide for definitions; to provide relative to subsequent inspections of weighing and measuring devices and fees; to provide for the authority of the commissioner of agriculture and forestry; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:4602, 4622(B)(1), (2), and (3), (C), (D), (E), and (G), and 4624 are hereby amended and reenacted and R.S. 3:4622(F) and (H) are hereby enacted to read as follows:

§4602. Definitions

As used in this Chapter, the following terms shall have the following meanings:

(1) “Annual inspection” means the first inspection completed by the department on a commercial weighing and measuring device in a calendar year.

(2) “Basket” means a one and one-half bushel circular container that may be used for the measurement of oysters to be sold or purchased.

(3) “Bulk transfer” means any transfer of motor fuel from one location to another by pipeline tender or marine delivery within a bulk transfer/terminal system, including but not limited to the following:

(a) A marine vessel movement of motor fuel from a refinery or terminal to a terminal.

(b) Pipeline movements of motor fuel from a refinery or terminal to a terminal.

(c) Book transfer of motor fuel within a terminal between licensed suppliers prior to completion of removal across the rack.

(d) Two-party exchange between licensed suppliers or between licensed suppliers and permissive suppliers.

(4) “Certificate of conformance” means a document issued by the National Institute of Standards and Technology, or any successor, based on testing in participating laboratories. The document constitutes evidence of conformance of a type with the requirements of National Institute of Standards and Technology Handbooks 44, 105-1, 105-2, or 105-3, or conformance with the requirements of any handbook that may supersede the named handbooks.

(5) “Commercial weighing and measuring device” means any weight, measure, or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, time, distance, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure. Except as otherwise provided, the term shall include scales, weighing devices, and metering and measuring devices commercially used for determining the weight or amount of petroleum products, as well as electricity disbursed by electric vehicle supply equipment. It shall also

include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects the accuracy of the device.

(6) “Commission” means the Commission of Weights and Measures.

(7) “Commissioner” means the commissioner of the Louisiana Department of Agriculture and Forestry, or his duly authorized representatives acting at his discretion.

(8) “Commodity” means any service or item, or any combination of items, forming a distinctive product, sold in commerce which is affected by any determination of weight, measure, or count.

(9) “Correct” as used in connection with weights and measures means conformance to all applicable requirements of this Chapter.

(10) “Department” means the Louisiana Department of Agriculture and Forestry.

(11) “Director” means the director of weights and measures appointed by the commissioner.

(12) “Net weight” means the weight of the commodity excluding any materials, substances, or items not considered to be part of the commodity. Materials, substances, or items not considered to be part of the commodity include but are not limited to containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons, except that, depending on the type of service rendered, packaging materials may be considered to be part of the service. For example, the service of shipping includes the weight of packaging materials.

(13) “Package” means any commodity packed or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale.

(14) “Person” means both plural and singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies, and associations

(15)(a) Except as provided in Subparagraph (b) of this Paragraph, “petroleum product” means any refined hydrocarbon mixture including motor oil, kerosene, gasoline, gasohol, diesel fuel, aviation fuel, heating kerosene, and any blend of two or more refined hydrocarbon mixtures except liquefied petroleum gas and natural gas.

(b) For purposes of enforcement of the provisions of R.S. 47:818.111 et seq. regarding taxes on special fuels, “petroleum product” shall include compressed natural gas, liquefied natural gas, and liquefied petroleum gas as those terms are defined in R.S. 47:818.2.

(16) “Position holder” means the person who holds the inventory position in motor fuel in a terminal as reflected on the records of the terminal operator. A person holds the inventory position in motor fuel when that person has a contract with the terminal operator for the use of storage facilities and terminaling services for motor fuel at the terminal. The term includes a terminal operator who owns motor fuel in the terminal.

(17) “Primary standards” means the physical standards of the state that serve as the legal reference from which all other standards and weights and measures are derived.

(18) “Rack” means a mechanism for delivering motor fuel from a refinery, terminal, marine vessel, or bulk plant into a transport vehicle, railroad tank car, or other means of transfer that is outside the bulk transfer/terminal system.

(19) “Random weight package” means a package that is one of a lot, shipment, or delivery of packages or the same commodity with no fixed pattern of weights.

(20) “Sale from bulk” means the sale of commodities when the quantity is determined at the time of sale.

(21) “Seagoing vessel” means a commercial ship, vessel, or barge of greater than fifty gross tons or ships, vessels, or barges in possession of an exemption certificate issued under the provisions of R.S. 47:305.1.

(22) “Secondary standards” means the physical standards that are traceable to the primary standards through comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and regulations.

(23) “Sell or sale” includes barter and exchange.

(24) “Service person” means any individual who for hire, award, commission, or any other payment of any kind, installs, services, repairs, or reconditions any commercial weighing or measuring devices and is registered under this Part.

(25) “Service provider” means any person who, for hire, award, commission, or any other payment of any kind, installs, services, repairs, or reconditions any commercial weighing or measuring device and is registered under this Part.

(26) “Standard package” means a package that is one of a lot, shipment, or delivery, or packages of the same commodity with identical net contents declarations.

(27) “Subsequent inspection” means any additional inspection completed by the department on a commercial weighing and measuring device following the annual inspection within the same calendar year.

(28) “Vehicle tank” means any vehicle tank, tank truck, tank wagon, or any other container in which gasoline, motor fuel, or any other petroleum products are transported in this state.

(29) “Weighmaster” means any person who weighs, measures, or counts any commodity and issues a certificate of weight, measure, or count, except retailers who weigh, measure, or count commodities for sale at retail directly to consumers, or a person engaged in the business of public weighing or

measuring for hire.

~~(28)~~ (30) "Weight" as used in connection with any commodity means net weight; except where the label declares that the product is sold by drained weight, the term means net drained weight.

~~(29)~~ (31) "Weights, measures, and weighing and measuring devices" includes all weights, scales, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, scanners or scanning devices that determine product identity and price at the point of sale, electric vehicle supply equipment, and any appliances and accessories connected with any such instruments. However, it does not include or refer to devices used to meter or measure, other than by weight, water, natural or manufactured gas, or electricity, except for electricity used in connection with electric vehicle supply equipment.

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§4622. Fees; Weights and Measures Fund

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B. The registration fee for each commercial weighing and measuring device shall be as follows:

- (1) Category 1--zero to 1,000 pounds ~~weight capacity~~ up to \$50.00
- (2) Category 2--over 1,000 to 10,000 pounds ~~weight capacity~~ up to \$135.00
- (3) Category 3--over 10,000 pounds ~~weight capacity~~ up to \$250.00

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C. Each commercial weighing and measuring device which requires a subsequent inspection may be subject to a subsequent inspection fee at the time of a subsequent inspection.

D. The subsequent inspection fee for each commercial weighing and measuring device shall be as follows:

- (1) Category 1--zero to 1,000 pounds capacity \$00.00
- (2) Category 2--over 1,000 to 10,000 pounds capacity \$135.00
- (3) Category 3--over 10,000 pounds capacity \$250.00
- (4) Mass Flow Meters \$250.00

~~E.~~ E. Each weighmaster who is licensed by the commission shall pay an annual license fee of one hundred dollars.

~~D.~~ F. The commissioner shall adopt, by rule, the fees charged for weighing and measuring services performed by the department, including those services performed by the department's State Metrology Laboratory. The fee rates shall be based on the cost of the work performed.

~~E.~~ G. The registration fee for each service agency shall be one hundred dollars. The registration fee for each service person shall be sixty-five dollars.

G. H.(1) There is hereby created, as a special fund in the state treasury, the Weights and Measures Fund. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay an amount equal to the amount received by the state treasury from all assessments, fees, penalties, and other funds received under the provisions of this Chapter into the fund. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund. The treasurer shall invest the monies in the fund in the same manner as monies in the state general fund. All interest earned from investment of monies in the fund shall be deposited in the fund.

(2) Subject to annual appropriation by the legislature, the monies in the fund shall be used solely to provide for the expenses of the program established by this Chapter and to ~~the carrying~~ carry out the powers, duties, functions, and responsibilities of the commission and the commissioner under the provisions of this Chapter.

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§4624. Penalty

A. A violator of any provisions of this Chapter or of any rule or regulation adopted under the provisions of this Chapter ~~shall~~ may be subject to a civil penalty of ~~not more than five hundred dollars~~ for each act of violation. Each day on which a violation occurs shall be a separate offense.

B.(1) The commissioner may assess a civil penalty of not more than five hundred dollars for each violation of any provision of this Chapter or any rule or regulation adopted pursuant to this Chapter if the violator subject to the civil penalty has not been assessed a civil penalty under any provision of this Chapter or any rule or regulation pursuant to this Chapter in the five years preceding the violation.

(2) The commissioner may assess a civil penalty of not more than seven hundred fifty dollars for each violation of any provision of this Chapter or any rule or regulation adopted pursuant to this Chapter if the violator subject to the civil penalty has been assessed a civil penalty under any provision of this Chapter or any rule or regulation pursuant to this Chapter in the five years preceding the violation.

(3) The commissioner may assess a civil penalty of not more than one thousand dollars for each violation of any provision of this Chapter or any rule or regulation adopted pursuant to this Chapter if the violator subject to the civil penalty has been assessed two or more civil penalties under any provision of this Chapter or any rule or regulation pursuant to this Chapter in the five years preceding the violation.

~~B.~~ C. Penalties may be assessed only by a ruling of the commissioner based upon an adjudicatory hearing held in accordance with the provisions of the Administrative Procedure Act.

~~E.~~ D. In addition to civil penalties, the commissioner may assess the proportionate costs of the adjudicatory hearing against the offender. The

commissioner shall determine the amount of costs to be assessed.

~~D.~~ E. The commissioner may institute civil proceedings to enforce his rulings in the district court for the parish in which the violation occurred.

~~E.~~ F. The commissioner may institute civil proceedings seeking injunctive relief to restrain and prevent the violation of the provisions of this Chapter, or of the rules and regulations adopted under the provisions of this Chapter, in the district court for the parish in which the violation occurred.

G.(1) The commissioner may require a violator to submit a corrective action plan to the department. If a corrective action plan is required, the plan shall include the following:

(a) A statement acknowledging the violation as determined by the department.

(b) An identification of the cause of the violation and timeline of events.

(c) A plan outlining actions the violator will take to improve performance to meet program requirements, the persons (or position titles) responsible for implementing the corrective action plan, and the date the plan will be implemented.

(d) A statement acknowledging that failure to effectively improve performance may result in further enforcement actions.

(2) Failure to submit a corrective action plan within thirty days of notice may result in additional civil penalties.

Approved by the Governor, May 23, 2024.

A true copy:
Nancy Landry
Secretary of State
